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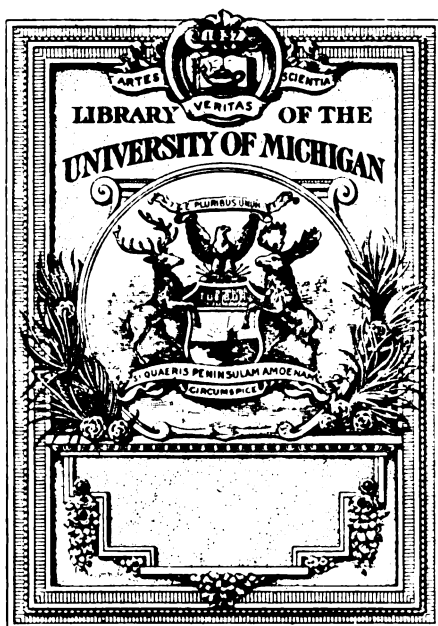
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THE
HISTORY
OF THE
UNITED STATES OF AMERICA.

BY RICHARD HILDRETH.

VOL. III.

NEW YORK:
HARPER & BROTHERS, PUBLISHERS,
339 & 331 PEARL STREET,
FRANKLIN SQUARE
1876.

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THE
HISTORY.
OF THE
UNITED STATES OF AMERICA,
FROM THE
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TO THE
ORGANIZATION OF GOVERNMENT UNDER THE
FEDERAL CONSTITUTION.
1497—1789.
Revised Edition.
IN THREE VOLUMES.
VOL. III.
REVOLUTIONARY, 1773—1789.



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[A complete Analytical Index will be found at the end of the volume.]

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HISTORY OF THE UNITED STATES.

CHAPTER XXX.

ATTEMPT TO COLLECT THE TAX ON TEA. BOSTON PORT BILL. ACT FOR REGULATING THE GOVERNMENT OF MASSACHUSETTS. CONTINENTAL CONGRESS. AMERICAN ASSOCIATION. PROVINCIAL CONGRESS OF MASSACHUSETTS ASSUMES THE GOVERNMENT AND PREPARES FOR WAR. INDIAN HOSTILITIES ON THE WESTERN FRONTIER.

THE taxation dispute, after a ten years' growth, was now fast coming to a head. The ministers saw with no little vexation that the tax on tea, retained for the express purpose of vindicating the authority of Parliament, was substantially nullified, partly by smuggling, and partly by the non-importation and non-consumption agreements, observed as yet with considerable fidelity, especially in the middle and southern colonies. Perhaps it would have been the more politic course to have given time for these combinations to die away, leaving the gradual introduction of the use of duty-paid tea to the vigilance of the custom-house officers, to appetite, and commercial cupidity and rivalry. Instead of adopting that temporizing policy, the impatient ministers resolved to force at once upon the reluctant colonies a large quantity of the obnoxious article, well satisfied that, if landed and offered for sale, it would easily find its way into consumption.

By an act of the preceding session, the allowance of

CHAPTER XXX drawback on teas exported had been reduced to three fifths of the duty. So far as America was concerned, a

1773. drawback of the whole duty was now revived. The

July. existing restraints upon the East India Company, to export teas on their own account, were also repealed, and arrangements were presently entered into with that company for the consignment of several cargoes of teas to the principal American ports.

No sooner did this project become known in America than steps were taken to counterwork it. A public
Oct. 2 meeting of the people of Philadelphia protested, in eight resolutions, against taxation by Parliament, and denounced as "an enemy to his country" "whosoever shall aid or abet in unloading, receiving, or vending the tea." In accordance with one of the resolutions, a committee was appointed to wait on the reputed consignees in that city, "to request them, from a regard to their own characters, and the public peace and good order of the city and province, immediately to resign their appointments." The Messrs. Wharton gave a satisfactory answer, which was received with shouts of applause. Groans and hisses greeted the refusal of another firm to commit themselves till the tea arrived.

The names of three well-known firms in Boston presently began to be noised about as the intended consignees of the East India Company's tea. An anonymous notice was sent to these reputed consignees to be present at noon on a certain day, under Liberty Tree, to resign their appointments, for which day and hour an anonymous hand-bill called a public meeting to hear their resignation.
Nov. 3. Several hundred persons assembled accordingly; the consignees not appearing, a committee was sent to wait upon them; but this committee they treated with contempt.

Two days after, by a call of the selectmen, a legal town meeting was held, at which Hancock presided. After a preamble of their own, this meeting adopted the eight Philadelphia resolutions, with a supplement, acknowledging some remissness hitherto in the matter of the agreement not to import or consume tea, but insisting for the future upon strict observance. A committee, appointed in the terms of one of the resolutions, waited upon the consignees to request them to resign. After some little delay and evasion, they replied, that, being as yet without definite advices from England, they could give no decisive answer—a reply voted by the meeting “unsatisfactory” and “daringly affrontive.”

News presently arriving that the tea ships had sailed, and might be daily expected, another town-meeting was summoned for the next day, to consult “what further application shall be made to the consignees, or otherwise to act as the town shall think fit at the present dangerous crisis.” In the evening, the house of Clarke, one of the consignees, was surrounded by a crowd making many offensive noises, and a pistol having been fired at them, they retorted by smashing in the windows.

The town meeting, the next day, sent a committee to the consignees to inquire definitively whether or not they intended to resign. Upon receipt of an answer in the negative, the meeting dissolved without a word. This evidence of a determination to act instead of resolving, struck terror into the consignees. They presented a petition the next day to the governor and council, asking to resign themselves and the property committed to their care into the hands “of his excellency and their honors,” and praying them to take measures for landing and securing the teas. The council, led by Bowdoin, were very little inclined to interfere. They deprecated

CHAPTER
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1773.

Nov. 5

Nov. 11

Nov 13

Nov 19

CHAPTER the late riot at Clarke's house, at least in words, and advised that the rioters be prosecuted; but they asked
XXX.

1773. further time to consider the petition. Several adjournments accordingly took place, and before any decision was reached one of the tea ships arrived. The council having

Nov. 28. met the next day, presented a paper to the governor declining to become parties to an unconstitutional attempt to levy taxes, against which the General Court had so repeatedly protested, or to make themselves chargeable for the tea by interfering to receive it. Meetings in all the neighboring towns had resolved to sustain Boston; and while the council was thus declining to intermeddle with the matter, a mass meeting, or "body," as they called themselves, of the people of Boston and

Nov. 29. the neighboring towns, assembled in Faneuil Hall, sent for the owner of the tea ship, ordered her to be moored at a certain wharf, and appointed a guard of twenty-five volunteers to watch her. It was resolved to send her back with her cargo, and the master and the owner were charged not to attempt, at their peril, to unlade her. The consignees, among whom were two of the governor's sons, frightened at these demonstrations, took refuge at the castle, where was a regiment of British regulars.

Nov. 30. The "body" having met again the next day, the governor sent the sheriff of the county with a proclamation declaring the meeting illegal, and ordering the people to disperse. They heard the message, hissed it, and voted unanimously not to regard it. The governor was powerless. He had ordered the Cadets, his guard of honor, to be in readiness; but what could he expect of a company commanded by Hancock? The troops at the castle and the ships of war in the harbor had no warrant to interfere in a purely municipal matter; nor was there any ground for the governor to call upon them till

something in the nature of riot, if not of rebellion, had ^{CHAPTER} actually occurred. The consignees offered, if the tea ^{XXX} might be landed, to keep it in store till orders came 1773. from England; but this was rejected, and the master and the owner of the vessel were both constrained to promise to carry it back. The owners of two other vessels on the way were required to make a similar promise. Tea was denounced as a "pernicious weed," and all persons who might henceforward be concerned in its importation were declared enemies of their country. After a resolution to carry the matter through at the risk of their lives and property, the "body" dissolved, leaving matters in the hands of a committee.

The owner of the vessel was very little disposed to carry out the agreement extorted from him. The governor was resolved that no clearance should be granted till the cargo was landed. At the expiration of thirty days from her arrival the vessel would be liable to seizure for non-payment of duties. Two other tea ships presently arrived, and were placed in custody like the other. Provoked and alarmed at the non-departure of the first vessel, the "body" reassembled. The owner was sent Dec. 14 for, and a committee was appointed to go with him to demand a clearance, which the collector, after taking time to consider, refused to give till the cargo was land- Dec. 16 ed. The owner was then sent anew to the governor, at his country-house at Milton, to request a permit, without which the vessel could not pass the fort and the ships of war in the harbor. He returned late in the afternoon, and announced the governor's refusal; he had no power, he said, to grant the permit till a clearance was first exhibited. This had been anticipated and prepared for. A band of some fifty men, "very dark-complexioned persons, dressed like Mohawks, of very grotesque appear-

CHAPTER ^{XXX} ~~XXX~~ ance," so says the Massachusetts Gazette of that day, approached the hall with an imitation of the war-whoop,

1773. and, while Josiah Quincy harangued the people on the necessity of adhering to their resolution whatever might be the consequences, the pretended Mohawks proceeded to the wharf and boarded the tea vessels. It was now six o'clock; the evening dusk had set in; the "body" was dissolved, and the people, hastening to the wharf, looked on with silent anxiety, while in the course of two hours three hundred and forty-two chests of tea were drawn up from the holds of the vessels and emptied into the water.

Nov. 25. In New York, at the demand of a popular meeting, the consignees of the expected tea had declined to act, whereupon Governor Tryon had issued orders for receiving it into the barracks. The vessel, driven by stress of weather to the West Indies, did not arrive for some months; and before her arrival Tryon had departed, leaving affairs again in Colden's hands.

The vessel bound for Philadelphia was stopped four Dec 25. miles below the city, and information having just arrived of the destruction of the tea at Boston, the captain was persuaded to return to England without attempting to land his cargo.

A fourth tea vessel, destined for Boston, was wrecked on Cape Cod. The few chests of tea saved from her cargo were placed, by the governor's order, in the castle.

1774. Some twenty chests or more, brought by another vessel Feb. on the private account of Boston merchants, were seized and thrown into the water.

The General Court of Massachusetts, at their next meeting, took up with great earnestness the subject of the payment of the judges' salaries by the crown—an arrangement lately announced, and which John Adams

had vigorously attacked in the Boston Gazette Four CHAPTER XXX
of the five judges promised to continue to take their pay
of the province; Oliver, the chief justice, having declined 1774
to come into this arrangement, the House carried up to
the council articles of impeachment against him. Hutch-
inson cut short these proceedings by a prorogation, and,
in accordance with an intimation given to the court, pres-
ently prepared to leave for England.

At length, after great delays, the New York tea ship
arrived at Sandy Hook. The pilots, under instructions April 21.
from the city committee, refused to bring her up, and a
"Committee of Vigilance" soon took possession of her.
Brought to town, the captain was informed by a deputation
from the city committee that he must take back
ship and cargo. He desired to see the consignee, and
was escorted to him; but the consignee declined to give
any orders. Meanwhile, another ship, commanded by a
New York captain, arrived at the Hook, and, on assurance
that she had no tea on board, was allowed to come
to town. But a report to the contrary soon spread, and
the captain was obliged to acknowledge that he had
eighteen chests, not belonging to the East India Com-
pany, but a private adventure. The indignant populace
seized the tea and emptied it into the river. A day or
two after, with great parade, headed by a band playing
God save the King, the bells ringing, and colors flying
from the liberty pole and the shipping, the captain of the
East India tea ship was escorted from the custom-house
to a pilot-boat, which took him to the Hook, where, un-
der directions of the Committee of Vigilance, the anchors
were weighed, and the vessel started on her homeward
voyage.

The Charleston tea ship reached that city the same
day that the New York tea ship reached the Hook. The

CHAPTER teas were landed, but were stored in damp cellars, where
XXX they soon became worthless.

1774. Before news of the fate of the tea at Boston could arrive in England, a hearing had been had before the Privy Council, at the special request of Hutchinson's friends, on the petition for his removal from the government of Massachusetts. The foul-mouthed Wedderburne, afterward Lord Loughborough, retained as counsel for Hutchinson, poured upon Franklin, who was present as agent for Massachusetts, and whom he accused of surreptitiously obtaining Hutchinson's letters, a torrent of abuse, which seemed to give great satisfaction to their lordships of the council. Dunning, retained on the other side, made but a shabby appearance, speaking so low that nobody could hear him. The petition was dismissed as "groundless, scandalous, and vexatious," and the ministers followed up the matter by dismissing Franklin from his office of deputy post-master for the colonies.

March 14. When, presently, the fate of the tea became known, ministerial indignation rose to a high pitch. Leave was asked by Lord North to introduce into Parliament, then in session, a measure, soon famous as the Boston Port Bill, shutting up the harbor of that town, and removing the seat of government to Salem. The audacity of the Bostonians had silenced the friends of the colonists, and this motion encountered but slight opposition. Even Barre and Conway gave it their approval, and their portraits disappeared from Faneuil Hall in consequence. Two members who attempted to speak against the bill

March 25 were coughed down. On the question of its final passage, Burke opposed it, and so did Johnstone, a naval officer, lately governor of Florida, and now, a member of Parliament, well versed and taking a deep interest in colonial affairs. It passed, however, with very few negatives.

Another bill soon followed, "for better regulating the government of Massachusetts Bay," amounting, in fact, to an abrogation of the charter. This bill gave to the crown the appointment of counselors and judges of the Superior Court. The appointment of all other officers, military, executive, and judicial, was bestowed on the governor, independently of any approval by the council. The selection of jurors was taken from the selectmen of the towns and given to the sheriffs. All town meetings, except for elections, were prohibited.

A third bill, intended to meet cases like that of the Boston massacre, and to protect the servants of the crown against the verdicts of colonial juries, provided for the trial in England of all persons charged in the colonies with murders committed in support of government.

These bills—opposed by Barre, Conway, Johnstone, Pownall, Dunning, Burke, and Fox; supported by North, Attorney-general Thurlow, Lord George Germaine, and Jenkinson, afterward Earl of Liverpool, chief administration orators—were carried in both houses by a majority of more than four to one.

A fourth bill, for quartering troops in America, a new edition of the former act, was also brought in by the ministers. Chatham rose in the House of Lords to oppose this bill, and, in spite of feeble health, spoke with all his old animation, going over the whole ground, and declaring his unalterable opinion that Britain had no right to tax America.

A fifth act, known as the Quebec Act, designed to prevent that newly-acquired province from joining with the other colonies, restored in civil matters the old French law—the custom of Paris—and guaranteed to the Catholic Church the possession of its ample property, amounting to a fourth part or more of the old French grants, with

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CHAPTER full freedom of worship. The calling of an Assembly
XXX was indefinitely postponed, the legislative authority, ex-
 1774. cept for taxation, being committed to a council nominated by the crown. The boundaries of the province were also extended to the Mississippi on the west, and the Ohio on the south, so as to include, besides the present Canada, the territory now the five states northwest of the Ohio.

In the Commons, Burke brought forward a motion to repeal the tax on tea. In his speech on this occasion, the earliest of the splendid series of his published parliamentary orations, he reviewed the history of the attempt to tax the colonies, and proposed to go back to the state of things before the passage of the Stamp Act. But the ministers were resolved, by making an example, to terrify the colonies into submission.

Not a little to Hutchinson's mortification, Gage, directed to resume his command in America, had been commissioned also as governor of Massachusetts, to which rebellious province four additional regiments were ordered. As
 May 13. Gage entered the harbor, a town meeting, at which Samuel Adams presided, had assembled to take the Port Bill into consideration, news of which had just arrived. This was an occasion of great and solemn anxiety. In the common cause, Boston had thrown herself into the gap. Would the other mercantile cities of America—would the country at large—look on quietly and see her suffer? It was proposed to renew the non-importation agreement as to all British goods; and Paul Revere, a Boston mechanic, an active "Son of Liberty," was sent to New York and Philadelphia to invoke sympathy and co-operation.

May 17. Public meetings at Providence and Newport responded
 May 20. to Boston, and suggested the idea of a Continental Con-

gress. The Connecticut Legislature, then in session, CHAPTER XXX passed a series of resolutions pointedly condemning the late acts of Parliament, and recommending the assembly of a Continental Congress. The old Committee of Correspondence at New York was composed principally of "Sons of Liberty" of the middle class, headed by M'Dougall, Sears, Willett, and Lamb, upon whose discretion the more wealthy citizens did not entirely rely. News arriving of the Boston Port Bill, at a public meeting held on the occasion the old committee was dissolved, and a new one elected, composed of fifty-one members, in which many of the principal citizens took part. This committee, however, was not quite ready to come into the non-importation plan. In a letter to Boston they proposed instead "a congress of deputies from the colonies," and in another letter a few days after, they requested the Boston committee to fix the time and place of meeting. 1774. May 24. May 15. May 23.

A similar view was taken in Philadelphia, and similar suggestions were made by a committee appointed at a public meeting in that city. Their letter suggested, also, the policy of paying the East India Company for their tea, if the difficulty could be got over in that way. The inhabitants of Annapolis, more ardent, wished to adopt the non-importation agreement at once, and similar resolutions were passed at a public meeting in Baltimore county, and other counties in Maryland. The Virginia House of Burgesses, in session when news of the Boston Port Bill arrived; appointed the first of June, the day on which the bill was to go into operation, to be observed as a fast. This suggestion, taken up and carried out in Philadelphia and many other places, gave a sensible exhibition of the public feeling. Dunmore dissolved the Assembly; but most of the members met the May 26

CHAPTER next day and signed a declaration that an attack upon
 XXX one colony was an attack upon all, threatening ruin to

1774. the rights of all unless repelled by the "united wisdom of the whole;" and the committee of correspondence was advised to communicate with the other colonies on the expediency of a general Congress. Letters arriving from Boston, Philadelphia, and Annapolis, some twenty-

May 30. five of the nearest delegates were called together by letter from the speaker. Some were for adopting the non-importation agreement at once; but it was finally resolved to refer the matter to a convention of all the late burgesses, to meet at Williamsburgh on the first of August.

May 26. Shortly after Gage's arrival, he met the General Court at Boston for the annual election of counselors. That business over, he adjourned the court to Salem. He had gone to the extent of his charter authority in rejecting thirteen of the twenty-eight elected counselors, but those who remained did not at all suit his purpose. On

June 7. the reopening of the court, in reply to his address delivered at Boston, they reflected so severely on his two immediate predecessors that he refused to hear the reply read through. The representatives passed resolutions advising the citizens of Boston to be firm and patient, and the people of the other towns to assist their distressed brethren of the metropolis. They recommended an entire abstinence from the use of British goods, and of all articles subject to parliamentary duty. They also requested the governor to appoint a fast; and when he refused, appointed one themselves. In compliance with suggestions made, as we have seen, from various quarters, they adopted a resolution that "a meeting of committees from the several colonies on this continent is highly expedient and necessary, to consult upon the

present state of the country, and the miseries to which we are and must be reduced by the operation of certain acts of Parliament; and to deliberate and determine on wise and proper measures to be recommended to all the colonies for the recovery and re-establishment of our just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and America, which is most ardently desired by all good men." The first of September was designated as the time, and Philadelphia as the place of meeting. Thomas Cushing, the speaker, James Bowdoin, Samuel Adams, John Adams, and Robert Treat Paine, were chosen delegates. A treasurer was appointed, and the towns were called upon to pay in their respective shares of the sum of £500, voted to the delegates in payment of their expenses, to be assessed on the inhabitants according to the last apportionment of provincial taxes. Hardly was this business completed, when Gage, informed of what was going on, sent the provincial secretary to dissolve the court. Finding the doors shut, and being denied admittance, the secretary read on the steps the governor's proclamation. So ended the last session of the last provincial General Court of Massachusetts.

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June 17.

The non-importation and non-consumption agreement recommended by the General Court had been adopted at a public meeting in Boston in the form of "a solemn league and covenant," to commence on the first of October next. Gage attempted in vain to prevent the other towns from joining in it. Public meetings continued to be held by different towns and counties through the colonies, by all of which the resolution was avowed to support Massachusetts in the pending quarrel.

June 8.

Boston was wholly dependent upon commerce, and the

CHAPTER. shutting up of the port deprived the greater part of the
XXX. inhabitants of their accustomed means of livelihood. In

1774. a spirit of generous sympathy, the use of the wharves in Salem and Marblehead was freely tendered to the Boston merchants, and contributions were taken up throughout the colonies for the relief of the poorer inhabitants.

By arrivals from Ireland, New York, Halifax, and Quebec, seven regiments were soon collected in Massachusetts, one of which was stationed at Salem, now the seat of government, one at the castle in Boston harbor, and the other five in the town. The townspeople recommenced their former system of annoyance; desertions were promoted, and every means was employed to make the situation of the troops as uncomfortable as possible. The people in the country hastened to replenish their stock of ammunition, and devoted their leisure to military exercises.

- June 1. On Hutchinson's departure for England, a complimentary address, signed by many merchants and lawyers, had been presented to him; but all who signed it soon became stigmatized as "Addressers," and many found it expedient to recant. An attempt was even made at Boston by the partisans of the mother country, and those to whom the present aspect of affairs seemed
- July 5. alarming, to break up the Committee of Correspondence; but it failed entirely; and the public meeting which the malcontents had called passed a vote of entire confidence in that committee.

Two days before action on that subject by the Massachusetts General Court, the Assembly of Rhode Island

- June 15. had appointed delegates to a general Congress. The
- June 3. Assembly of Connecticut had already authorized a similar
- July 13. appointment, which was presently made by the Committee of Correspondence. The New Hampshire

Legislature, at a late session, in spite of Wentworth's attempts to prevent it, had appointed a Committee of Correspondence, in consequence of which he had dissolved them. A meeting of the committee, held at Portsmouth, to appoint delegates to Congress, was dispersed by Governor Wentworth and the sheriff; but the business was completed by a convention of delegates which met at Exeter. Similar conventions, for the same purpose, were held in Maryland and New Jersey. The Assembly of New York, at a session early in the year, had appointed a Committee of Correspondence; but as that committee declined to assume the nomination of delegates to Congress, that business was undertaken by the city committee of fifty-one, in conjunction with a committee of mechanics. Some difficulty occurred in respect to this nomination between those who preferred the energetic M'Dougall and the warm John Morin Scott, and the more moderate friends of John Jay, a rising young lawyer of Huguenot descent, a son-in-law of William Livingston. The dispute was finally settled by opening a poll, at which the mayor and aldermen presided, and all who paid taxes were allowed to vote. Philip Livingston, John Alsop, Isaac Low, James Duane, and John Jay, the delegates thus chosen, were adopted by the city of Albany, and by some towns in Westchester and Dutchess. The counties of Orange, Kings, and Suffolk sent separate delegates; the rest of the province was unrepresented. Upon Governor Penn's refusal to call a special session of the Assembly, the inhabitants of Philadelphia met in town meeting, and appointed a committee for the city and county. Upon their invitation, a "committee for the province of Pennsylvania," composed of delegates elected in the several counties, assembled at Philadelphia. They passed res-

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 resolutions in support of the rights of the colonists, and recommended to the Assembly, which, notwithstanding

1774. Penn's late refusal, had just been called together, in consequence of an alarm of Indian war on the western frontier, the appointment of delegates to the Congress—a recommendation speedily complied with by that body.

Aug. 1. In Delaware, the members of Assembly, called together by a circular letter from the speaker, made a similar appointment.

Aug. 1. The Virginia Convention, besides choosing seven delegates to the proposed Congress, adopted resolutions to import no more slaves, nor British goods, nor tea; and, if colonial grievances were not speedily redressed, to export no more tobacco to England; and not to deal with any merchant who should refuse to come into this agreement. In spite of Governor Martin's efforts to prevent it, a like con-

Aug. 25. vention, by which a like appointment was made, and similar resolutions were adopted, was soon after held at New bern, in North Carolina, by invitation of the Committee of Vigilance for Wilmington. A public meeting, attended by persons from all parts of the province, held at

July 6. Charleston, in South Carolina, had resolved to support Massachusetts in the vindication of her rights; had appointed a general committee of ninety-nine members; and had selected delegates to the proposed Congress—a

Aug. 2. selection presently ratified by the Assembly, the consequence of which was a dissolution. The influence of Governor Wright prevented the election of delegates from Georgia.

Among the new counselors appointed by writ of mandamus, under the act which now came into force for remodeling the government of Massachusetts, was Rugles, formerly president of the Stamp Act Congress. The greater part accepted and were sworn in; but they

became at once objects of bitter public odium. In the western part of the province a session of the Superior Court was broken up; and even in Boston the juries refused to be sworn, lest, by consenting to act, they should recognize the authority of the new government. In spite of Gage's denunciation of such assemblages as seditious and treasonable, town meetings and county conventions were held throughout the province to protest against the new system.

Alarmed at the spirit thus evinced, having removed the seat of government from Salem back to Boston, Gage began to fortify Boston Neck, the only land avenue to the town. He also sent a body of soldiers to the upper part of Charlestown, to seize a quantity of powder stored there belonging to the province. The news of this seizure brought together a tumultuous assembly from Middlesex county, which proceeded to Cambridge, where several of the new counselors resided, surrounded their houses, and compelled them to resign. A rumor spreading that the ships of war in Boston harbor were bombarding the town, bodies of armed men from Connecticut marched into Massachusetts, but returned on finding the rumor false. Tarrings and featherings, and other acts of violence, became so common, that all suspected partisans of the mother country were obliged to seek refuge with the troops.

The convention for Suffolk county, to which Boston belonged, in their meeting at Milton, resolved that "no obedience was due to either or any part of the recent acts of Parliament." They recommended the meeting of a provincial Congress, and exhorted all tax collectors not to pay over any money in their hands till the government should be constitutionally organized. Such of the new counselors as should persist in refusing to resign,

CHAPTER were pronounced "obstinate and incorrigible enemies of
XXX. their country." Similar resolutions were passed in the
1774. other counties. Those of Suffolk were forwarded to the
Sept. 5. Continental Congress, already assembled at Philadelphia.

That Congress consisted of fifty-three delegates, the leading men of twelve provinces, Georgia, alone of the originally British colonies, being unrepresented. Besides others of less note, there were present in this assembly the two Adamses, of Massachusetts; Sherman and Deane, of Connecticut; Philip Livingston, Jay, and Duane, of New York; William Livingston, of New Jersey; Gallo-way, of Pennsylvania; Rodney, Read, and M'Kean, of Delaware; Chase, of Maryland; Randolph, Richard Henry Lee, Washington, and Henry, of Virginia; the two Rutledges, and Gadsden, of South Carolina. The post of honor was freely conceded to Virginia by the choice of the now aged Peyton Randolph as president. Charles Thompson, late master of the Quaker academy at Philadelphia, but recently enriched by marriage, was chosen secretary. Samuel Adams, himself a stiff Congregationalist, moved the appointment of an Episcopal chaplain, and Jacob Duchè, a popular preacher of Philadelphia, was accordingly appointed. As no means were at hand to estimate the relative importance of the colonies, it was agreed that each province should have a single vote. All proceedings were to be with closed doors, and nothing was to be published except by order.

Upon receipt of the Suffolk resolutions, the Congress resolved that the whole continent ought to support Massachusetts in resistance to the unconstitutional change in her government; and that any person accepting office under the new system ought to be held in detestation as a public enemy. A correspondence was presently entered into with General Gage, remonstrating against the

fortification of Boston, and his arbitrary exercise in other respects of the illegal power he had assumed. CHAPTER
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A committee of two from each province reported, in 1774 the form of a series of resolves, accepted and adopted by the Congress, a "Declaration of Colonial Rights." The enjoyment of life, liberty, and property were claimed in this Declaration as natural rights. The privilege of being bound by no law to which they had not consented by their representatives was claimed for the colonists in their character of British subjects. The sole and exclusive power of legislation for the colonies was declared to reside in their respective Assemblies, reserving to Parliament the enactment of such laws only as might be essential to the *bona fide* regulation of trade, but excluding all taxation, internal or external. The common law of England was claimed as the birthright of the colonists, including the right of trial by a jury of the vicinage, the right of public meetings, and of petition. A protest was made against standing armies maintained in the colonies without their consent; and a similar protest against legislation by councils dependent on the crown—this last in allusion to the Quebec Act. All immunities hitherto enjoyed in the colonies, whether by charter or custom, were claimed as established rights, beyond the power of the mother country to abrogate. Eleven acts of Parliament, passed since the accession of George III.—the Sugar Act, the Stamp Act, the two Quartering Acts, the Tea Act, the Act Suspending the New York Legislature, the two Acts for the trial in Great Britain of offenses committed in America, the Boston Port Bill, the Act for Regulating the Government of Massachusetts, and the Quebec Act—were enumerated in conclusion as having been passed in derogation of the rights of the colonies.

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As means for enforcing this claim of rights, fourteen articles were agreed to as the basis of an "American Association," pledging the associators to an entire commercial non-intercourse with Great Britain, Ireland, and the West Indies, and the non-consumption of tea and British goods: this non-intercourse to be extended to such provinces of North America as should decline to come into the Association, and to last till the obnoxious acts of Parliament were repealed. The non-importation clauses were to commence in December, but the non-exportation clauses were postponed for nine months longer. The slave trade was specially denounced, and entire abstinence from it, and from any trade with those concerned in it, formed a part of the Association. The associators were also pledged to encourage the breeding of sheep and the disuse of mourning. Traders were not to be allowed to enhance the price of goods in consequence of this agreement. Committees were to be appointed in every county, city, and town, to detect and to publish the names of all violators of it; and all dealings with such "enemies of American liberty" were to be immediately broken off.

Patrick Henry, who had electrified the Congress by his eloquence, was selected by the committee, to which that business was intrusted, to draft the petition to the king. But this draft, when received, did not give satisfaction. Dickinson, lately added to the Pennsylvania delegation, was added also to the committee, and a new draft was prepared by him, which the Congress approved.

A memorial to the inhabitants of British America was drawn up by Richard Henry Lee. The grave, manly, yet fervid eloquence of the "Address to the People of Great Britain," drafted by Jay, was universally admired. Short letters, inclosing the doings of Congress, were ad-

addressed to the colonies of St. John's (now Prince Edward's), Nova Scotia, Georgia, and the two Floridas, inviting them to join in the Association. CHAPTER
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An elaborate "Address to the Inhabitants of Canada" was drawn up by Dickinson. Both the civil and ecclesiastical provisions of the Quebec Act were highly offensive to the other colonies, as well as to the small body of British settlers in Canada. But the French Canadians, and especially the priests, were so well satisfied with the restoration of their old laws and security to their religion, that the eloquent appeal of Congress for union and co-operation had but little effect; the less, indeed, as the Canadians and their religion were but slightly alluded to in the Address to the People of Great Britain.

The petition to the king, along with a vote of thanks to the advocates of the colonies in both houses of Parliament, was inclosed in a letter to the colonial agents. Having made provision for another Congress to meet the May following, unless redress of grievances should meanwhile be obtained, after a busy session of eight weeks this remarkable assembly adjourned without day.

The course of measures finally adopted in the Congress had not been agreed to without considerable opposition and a good deal of debate. "Every man in this assembly," wrote John Adams to his wife, "is a great man, an orator, a critic, a statesman, and therefore every man, upon every question, must show his oratory, his criticism, and his political abilities. The consequence is, that business is spun out to an immeasurable length."

After the first flush of confidence was over, suspicions and jealousies began to revive. There were in all the colonies many wealthy and influential men, who had joined, indeed, in protesting against the usurpations of

CHAPTER the mother country, but who were greatly disinclined to
XXX any thing like a decided rupture. Galloway proposed,
 1774. as a means of accommodation, a union of the colonies,
 with a Grand Council authorized to regulate colonial
 affairs jointly with the British Parliament—Parliament
 and the council to have a mutual negative on each oth-
 er. This plan seemed at first to find a good deal of
 favor; but, after a warm debate, was rejected by a
 majority of one, and was even refused an entry on the
 journal. Still, however, it was generally believed that
 matters might yet be accommodated. The two Adamses,
 who thought differently, were regarded by several mem-
 bers as desperate men with nothing to lose, too much
 implicated by the long struggle in Massachusetts to be
 safe guides for gentlemen who had estates to forfeit.
 The zeal of these two northern members was seconded,
 indeed, by the impetuous and plain-spoken Gadsden,
 who proposed to attack Gage, and expel him from Bos-
 ton before he could be re-enforced. The Congress, how-
 ever, was not yet prepared for any direct assumption of
 political authority. Even the American Association, the
 nearest approach to it, was warmly opposed, not only by
 Galloway and Duane, but by all the South Carolina
 members except Gadsden. It was only at the last mo-
 ment that Gadsden's colleagues were induced to sign it,
 by an exception in favor of rice inserted into the non-
 exportation clause.

These differences in Congress were veiled, however,
 from the public eye by the injunction of secrecy. The
 proceedings of that body went forth with all the weight
 Oct. 20. of apparent unanimity. The signature of the Associa-
 tion by the members of Congress may be considered as
 the commencement of the American Union.

While the Continental Congress was still in session,

matters in Massachusetts were fast verging to a crisis. CHAPTER
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 Gage had summoned a House of Representatives to meet him at Salem, to proceed to business under the late act of Parliament; but the spirit evinced in the resolutions of the town meetings and county conventions induced him to issue a proclamation countermanding the Assembly. It was denied, however, that the governor could prorogue the court till it had first met; and, notwithstanding the countermand, most of the members elect assembled at Salem on the day appointed. As nobody appeared to open the session and administer the oaths, they adopted the advice already given by the Essex county Convention, resolved themselves into a Provincial Congress, adjourned to Concord, and there organized by choosing John Hancock as president, and for secretary Benjamin Lincoln, a farmer of Hingham, afterward a major general in the revolutionary army. A large committee, appointed to consider the state of the province, reported an address to Gage, which the Congress adopted; after which they adjourned to Cambridge, whence a committee was sent to present the address to the governor. The Congress, in this address, protested their attachment to Great Britain, their loyalty to the king, and their love of peace and order, but complained of the recent acts of Parliament, the employment of the powers of government to harass and enslave them, the military force concentrated in Boston, and the fortifications erecting there. The people, they declared, would never be satisfied till these military preparations were discontinued and those fortifications demolished.

Gage replied that his military preparations were only in self-defense, and justified by threats every where uttered. He disavowed, on behalf of Great Britain, any design to harass or enslave; expressed a wish for har-

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So far from desisting, the Congress appointed a Committee of Safety, at the head of which was John Hancock, with power to call out the militia. A committee was also raised to take measures for the defense of the province, and another to procure military stores and provisions, toward which the sum of £20,000, \$66,666, was appropriated. Constables and other collectors of taxes were ordered to pay no more money to the late treasurer of the province, but to hand over all future collections to a new treasurer appointed by the Congress. Preble, of Falmouth, an old militia officer, Artemas Ward, a colleague of Ruggles on the bench of the Worcester Common Pleas, and Pomeroy, who had led a regiment at the battle of Lake George, were commissioned as generals. The militia were called upon to choose company and regimental officers of their own, and to perfect themselves in military discipline. The Congress disavowed any intention to attack the British troops; but, as their capital was occupied by a large force, as the military stores of the province had been seized, and as there was too much reason to apprehend a still more direct invasion of their rights, they declared these measures necessary for defense. Gage issued a proclamation denouncing their proceedings, to which no attention was paid, while the recommendations of the Provincial Congress had all the force of law. Gage had no support except in his troops and a few trembling officials, while the zealous co-operation of an intelligent, firm, energetic, and overwhelming majority of the people gave to the Congress all the strength of an established government.

While the colonies were thus busy in defense of their rights, the frontiers of Pennsylvania and Virginia had CHAPTER
XXX. been again visited by Indian war. Surveyors sent under the royal authority, at the request of the Assembly of Virginia, to extend the western limits of that province, had pushed their explorations to a great distance westward. Some of these surveyors had descended the Ohio as far as the falls, and had traced up the Kentucky a considerable distance from its mouth. Collisions took place between these explorers and the Indians on the Ohio. Under the impulse of a false rumor of previous hostilities on the part of the Indians, nine persons, the family of Logan, a chief distinguished for friendship to the whites, were murdered in cold blood. This and other similar atrocities excited the Indians to revenge. The jurisdiction of the region about Pittsburg was still disputed between Virginia and Pennsylvania. St. Clair and others, who recognized the authority of Pennsylvania, endeavored to conciliate matters, and an appeal was made to Sir William Johnson by the Pennsylvania authorities to induce the Six Nations to act as mediators. Just at this time Sir William died, but the business was undertaken by his son-in-law, Guy Johnson, soon appointed his successor as superintendent of the Northern Indians. While these efforts for peace were made by Pennsylvania, Conolly and others in the Virginia interest were bent on war, in which they were fully supported by Governor Dunmore. Daniel Boone was sent to guide back by land the surveyors employed on the Lower Ohio; after which he was placed in command of a frontier fort. Volunteers to march against the Indians were easily obtained. Major M'Donald, having assembled four hundred men at Fish Creek, on the Ohio, just below Wheeling, marched against and destroyed the

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CHAPTER Shawanese village on the Muskingum, some sixteen
 XXX. miles below the present Coshooton; but the Indians

1774. made their escape. Dunmore himself, with fifteen hundred men, moved directly against the Indian villages on the Scioto; while Colonel Lewis, with another division of twelve hundred men, descended the Kenhawa. Near the mouth of that river Lewis found the Indians in force, under Logan, Cornstalk, and other chiefs. A very hard-
 Oct. 10. fought battle ensued; the Virginians finally carried the day, but not without the loss of sixty or seventy killed, and a large number wounded. Leaving a garrison at Point Pleasant, under Shelby, afterward first governor of Kentucky, Lewis marched to join Dunmore on the Scioto.

Alarmed at Dunmore's approach toward their towns, the Indians had already entered into negotiations, and Dunmore directed Lewis to put a stop to hostilities—orders which the backwoodsmen were somewhat reluctant to obey. Logan was not present at the treaty, but he sent the following speech: "I appeal to any white man to say if ever he entered Logan's cabin hungry, and he gave him not meat; if ever he came cold and naked, and he clothed him not. During the last long and bloody war, Logan remained idle in his cabin, an advocate for peace. Such was my love for the whites, that my countrymen pointed as they passed, and said, 'Logan is the friend of white men!' I had even thought to have lived with you but for the injuries of one man. Colonel Cresap, the last spring, in cold blood, and unprovoked, murdered all the relatives of Logan, not even sparing women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge! I have sought it; I have killed many; I have fully glutted my vengeance! For my people, I rejoice at the beams of peace; but do not

harbor a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life! Who is there to mourn for Logan? Not one!" 1774. CHAPTER XXX.

At Fort Gower, at the junction of the Hocking with the Ohio, the officers of Dunmore's army, on their homeward march, held a meeting, at which they complimented the governor, and resolved to bear faithful allegiance to the king, but also to maintain the just rights of America by every means in their power. Nov. 5.

At the same time with these difficulties on the Virginia frontier, some collisions took place in Georgia between the settlers on the recently ceded lands, and the Creeks and Cherokees, who seemed disposed to support each other in case of hostilities. But, instead of having recourse to arms, Governor Wright proclaimed a suspension of trade. The Indians by this means were soon brought to terms, and a new treaty of peace was arranged. Oct. 24.

Two successive cargoes of tea which arrived at Portsmouth had been reshipped. A quantity brought to Annapolis was burned, and the ship with it; the owner himself, to soothe the excitement, setting fire to it with his own hand. The Assembly of Connecticut gave orders to the towns to lay in a double supply of ammunition. They directed the cannon at New London to be mounted, and the militia to be frequently trained. The proceedings of the Continental Congress were approved, and the same delegates were reappointed. July.
Sept.
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Measures meanwhile were every where on foot, by the appointment of committees of inspection, to enforce the American Association. Philadelphia set the example. New York followed by appointing a city committee of sixty, with full powers for that purpose. At a third session of the Massachusetts Congress, held after a Nov. 2
Nov. 22
Nov. 23

CHAPTER short adjournment, the delegates to the late Continental
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1774. Congress made a report of the doings of that body, all of which were fully approved. It was voted to enroll twelve thousand "minute men"—volunteers, that is, from among the militia, pledged to be ready for service at a minute's notice; and negotiations were ordered with the other New England colonies, to make up this force to twenty thousand. John Thomas, of Plymouth county, who had led a regiment in the late war, and William Heath, a Roxbury farmer, were commissioned as generals. Domestic manufactures were strongly urged upon the attention of the people. The same delegates as before were appointed to the Continental Congress to be held in the spring. Directions were also issued for the election of a new Provincial Congress, to meet early in the year, at which time the members of the last elected council were requested to be present. The Congress then adjourned to attend the annual thanksgiving, of which they had assumed the appointment. Their authority was zealously seconded in every town by Committees of Safety, vested with general executive powers; Committees of Correspondence, and Committees of Inspection, appointed to look after the observance of the American Association.

In the absence of the ships of war usually stationed in Narraganset Bay, forty-four pieces of cannon were taken from the batteries at Newport and conveyed to Dec. 6. Providence. When called upon by the British naval commander for an explanation, Governor Wanton bluntly avowed that these cannon had been taken away to prevent their falling into his hands, and were intended for use against any power that might offer to molest the colony. This movement in Rhode Island was induced by a royal proclamation prohibiting the export of military

stores to America. It was soon followed up in New Hampshire. Instigated by Paul Revere from Boston, and led by John Sullivan, a leading lawyer, late a delegate to the Continental Congress, and by John Langdon, a principal merchant of Portsmouth, a large party entered the fort at that place, which was only guarded by four or five men, and carried off a hundred barrels of powder, some cannon and small arms.

The doings of the Continental Congress were approved by a convention in Maryland, and the several counties took measures for enforcing the Association. The Convention of Maryland assumed, in fact, the powers of government; they ordered the militia to be enrolled, and voted £10,000 to purchase arms. The Assembly of Pennsylvania also approved the doings of Congress, and appointed delegates to the new one. In South Carolina, delegates to the new Congress, and committees of inspection to enforce the Association, were appointed by a provincial convention, of which Charles Pinckney was president, called together by the committee of ninety-nine. Some of the members of this convention, particularly the indigo planters from the upper counties, took great offense at the exception of rice from the non-exportation agreement, regarding it as a piece of unjustifiable partiality. A motion was made to instruct the new delegates to use their endeavors at the ensuing Congress to cause this exception to be stricken out. Gadsden, one of the late delegates, disclaimed any responsibility in this matter, the very proposal of which had occasioned, he said, great disgusts, and a cessation from business for several days, to give the South Carolina delegates time to recollect themselves. It had only been yielded at last for the sake of preserving the union of America. He was in favor of striking it out. John Rutledge alleged, in

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defense of himself and his three colleagues, that without this exception the Association would have operated with particular severity on South Carolina; and he proposed to equalize matters by a compensation to the indigo planters. A committee was appointed on that subject, but the plan of compensation proved unsatisfactory. The question then recurred on the original motion, when the rice planters prevailed by a very close vote—a vote, however, which tended not a little to increase the disaffection in the upper counties. Among other powers conferred by the South Carolina Convention upon the local committees was that of granting extensions upon all debts, security being given; nor could any suit be brought without their permission.

The Assembly of New Jersey, in spite of Governor Franklin's efforts, approved the doings of Congress, which were ratified also in New Hampshire by a convention of delegates. The temper of the Pennsylvania Assembly, though the action of Congress had been approved by that body, seemed too moderate to the warmer spirits. They called a Provincial Convention; and, besides taking effectual means for enforcing the Association, adopted a resolution, that "if the British administration should determine to effect by force a submission to the late acts of Parliament, in such a situation we hold it our indispensable duty to resist such force, and, at every hazard, to defend the rights and liberties of America." The president of this convention was Joseph Reed, a young lawyer of Presbyterian origin, who had married a daughter of De Berdt, the late Massachusetts agent in London. A leading spirit in it was Thomas Mifflin, a young Quaker distinguished for energy of character, and gifted with a remarkable flow of popular eloquence. But the Quakers generally did not share Mifflin's enthusiasm. They had

declined to have any thing to do with enforcing the Association. While the Convention was sitting, the Quaker yearly meeting, assembled at Philadelphia, put forth a "testimony," in which their members were called upon "to unite in abhorrence of every measure and writing" "tending to break off the happy connection of the colonies with the mother country, or to interrupt their just subordination to the king." CHAPTER
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The religious sentiments of the other leading sects were not without a certain effect on politics. The Congregational ministers of New England, an intelligent and very influential body, headed at this period by Chauncy and Cooper, of Boston, cherished a traditionary sentiment of opposition to British control—a sentiment strengthened, of late years, by the attempts of the English Society for the Propagation of the Gospel to build up Episcopacy in New England by supporting there some thirty Episcopal missionaries. An unseasonable revival of the scheme for a bishop in the colonies had recently excited a bitter controversy, in which, since Mayhew's death, Chauncy had come forward as the Congregational champion—a controversy which could only tend to confirm the Congregational body in hostility to the extension of English influence.

The larger part of the Presbyterians, the most numerous sect in the middle colonies, derived their origin from the dissenting sections of the Scottish Church. For the most part, they had the same political sympathies with the Congregationalists of New England. The recent union of the old and new light synods in a single synod at Philadelphia had tended to give concentration and unity to this sect. Witherspoon, an eminent Scottish clergyman, who had arrived some years before to take charge of the College of New Jersey, was presently sent a dele-

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gate to Congress, of which body he became an active member. The native-born Presbyterians were almost all staunch Whigs; but the Scotch traders and merchants, numerous in the southern colonies, adhered generally to the Tory side.

The Episcopal clergy throughout the colonies leaned, with very few exceptions, to the support of the crown; and in the middle and northern provinces their flocks were chiefly of the same way of thinking. In the southern colonies, where episcopacy was the established and prevailing form of worship, religion, uninflamed by sectarian contention, seems to have exercised very little influence over political opinions. The scheme, indeed, for an American bishop, so far from meeting with any countenance in Virginia, was denounced by the Assembly as "the pernicious project of a few mistaken clergymen."

The Episcopalians were more numerous and influential in New York than in any other northern province; and, for some years past, New York had evinced a degree of backwardness. The moderate Assembly, chosen in 1769, and still in existence, declined to sanction the proceedings of the late Continental Congress, or to appoint delegates to the new one. Yet they did by no means abandon the colonial cause; a petition to the king, a memorial to the House of Lords, and a representation and remonstrance to the Commons, were forwarded to their agent, Edmund Burke—documents not materially different in their tone from those adopted by the Continental Congress.

In Georgia, the committee of Christ Church parish called a Convention to meet at the same time with the Assembly. But only seven out of the twelve parishes were represented; and the influence of Governor Wright was still sufficient to prevent the adoption by that province of the American Association.

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VIEWS AND MEASURES OF THE BRITISH MINISTRY AND PARLIAMENT. BATTLE OF LEXINGTON. BLOCKADE OF BOSTON. CONTINENTAL CONGRESS REASSEMBLES. CONTINENTAL ARMY. CONTINENTAL PAPER MONEY. DOWNFALL OF BRITISH AUTHORITY IN THE COLONIES. TRANSYLVANIA.

ENCOURAGED by information from America, derived from officials whose opinions were greatly influenced by their wishes, Lord North and his colleagues believed that a little firmness and energy on the part of the mother country would shake the resolution and break up the apparent union of the colonies. Even in New England and Virginia a considerable number of the wealthy and respectable were known to be warmly attached to the mother country, though overborne and silenced, for the present, by the violence of the opposite party. In New York the friends of the crown were strong; many landed proprietors and merchants adhered to that side; a considerable part of the inhabitants consisted of recent emigrants, whose habits of loyalty were less easily shaken; while among those born in the province there prevailed a strong prejudice against the people of New England, sufficient, it was believed, to prove a serious obstacle to any hearty co-operation.

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The Quakers, so numerous and influential in New Jersey, Pennsylvania, and Delaware, and not without weight in North Carolina, were known to be generally

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opposed to violent measures. The Germans, numerous in Pennsylvania and the Carolinas, ignorant of the English language, and unaccustomed to political rights or discussions, did not fully enter into the feelings of the English colonists. The Scotch Highlanders, settled in New York, North Carolina, and Georgia, were very ignorant and very loyal. The arts of Governor Martin had secured the attachment of the North Carolina Regulators, from whom several loyal addresses had already been received. New England, New Jersey, and Pennsylvania were known to be deeply imbued with republican ideas; but the law of primogeniture which prevailed in New York and the South, co-operating with the institution of slavery, had raised up in those provinces a local aristocracy, whose opinions and feelings, as it was thought, could not, without the greatest difficulty, allow them permanently to co-operate with the democratic population of the other colonies.

Should their union remain perfect, the united resources of the colonies were deemed wholly inadequate to any obstinate or lengthened resistance. With the usual bravado of military men, British officers boasted how, at the head of a few regiments, they could march from one end of America to the other. Even if the Americans dared to fight at all, which those officers professed very much to doubt, one or two battles, it was believed, would quell their proud spirit, and make them glad to accept of peace on almost any terms.

Of all the British speakers and writers who exercised their pens and tongues on what had now become a question of universal interest, only one had the good sense and good feeling to recommend a peaceful separation. This was Dean Tucker, a pamphleteer of that day, who had put forth several tracts in relation to the pending contro-

versy. He proposed that Parliament, by a solemn act, ^{CHAPTER XXXI} declaring them to have forfeited all the privileges of British subjects by sea and land, should cut off the re- 1774 bellious provinces from the British empire; with provision, however, for granting pardon and restoration to either or all of them, on their humble petition to that effect. Had this pacific plan been adopted, Great Britain would still have retained in America a large party of influential adherents. The furious hatred which the war generated—a hatred which has not yet wholly died out—would not have been excited against her. The colonies, differing among themselves, might have adopted, in consequence, different lines of policy. At the worst, they could only have been lost, and that without the expenses of a war, and the mutual antipathy which the war produced. But this scheme, so different from vulgar expedients, was denounced on all sides as the height of folly. Even the philosophic Burke, whose philosophy, however, was always bounded by precedent, scouted it as “childish.”

A general election had recently taken place in Great Nov. 30. Britain, but the result boded no good to the colonies. Parties in the new House of Commons stood very much as before. Lord North, and his colleagues in the ministry, had an overwhelming majority. Ministers not only were sure of support from Parliament, and from the personal feelings of the king, strongly bent upon bringing the colonies to unconditional submission, they were also sustained by the general sentiment of the British people, by whom the stigma of rebellion was already affixed to the conduct of the colonists.

Yet there was not wanting, both in and out of Parliament, a very respectable minority opposed to subduing the colonists by force, and anxious to promote an amica-

CHAPTER ble adjustment. The merchants trading to America
 XXXI were very averse that any occasion should be given to

1774. their debtors for postponing or refusing the payment of their debts, or that actual war should put a final stop to a profitable trade already so seriously threatened by the American Association, compared with which all former non-importation agreements had been limited and inefficient. The English Dissenters were inclined by religious sympathies to favor the colonists. Such fragments of the old Whig party as had not coalesced with the "king's friends," headed by the Marquis of Rockingham and the Earl of Chatham, supported by the colonial experience of Pownall and Johnstone, and sustained by the eloquence of Burke, Barre, Dunning, and the youthful Fox, few, but able, maintained with zeal those principles of liberty which had descended to them from the times of the English civil wars, and which the threatened civil war in America seemed now again to arouse to new life.

1775. After a long absence, Chatham reappeared in the
 Jan. 20. House of Lords, and proposed an address to the king advising the recall of the troops from Boston; but this motion, though supported by Lord Camden, after a warm debate was rejected by a very decisive majority. In the Commons, the papers relating to America were referred to a committee of the whole. The petitions for
 Jan. 26. conciliation, which flowed in from all the great trading and manufacturing towns of the kingdom, ought properly to have gone to the same committee; but the ministers procured their reference to another committee for a subsequent day, which the opposition derided as a "committee of oblivion." Among the papers laid before Parliament was the petition from the Continental Congress to the king. Three of the colonial agents, Franklin,

Bollan, and Arthur Lee, to whose care this petition had been intrusted, asked to be heard upon it by counsel at the bar of the House. But their request was refused on the ground that the Congress was an illegal assembly, and the alleged grievances only pretended.

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Still persevering in his schemes for conciliation, Chatham brought forward in the Lords a bill for settling the troubles in America. It required a full acknowledgment on the part of the colonists of the supremacy and superintending power of Parliament, but provided that no tax should ever be levied except by consent of the colonial Assemblies. It contained, also, a provision for a Congress of the colonies to make the required acknowledgment, and to vote, at the same time, a free grant to the king of a certain perpetual revenue, to be placed at the disposal of Parliament. Chatham exerted himself on this occasion with renewed and remarkable vigor; but, in spite of all his efforts, after a warm and very pointed debate, his bill was refused the courtesy of lying on the table, and, contrary to the usual course, was rejected by a vote of two to one at the first reading.

Feb. 1.

Agreeably to the scheme foreshadowed in his speech on the address, Lord North, in the House of Commons, brought in a bill for cutting off the trade of New England elsewhere than to Great Britain, Ireland, and the British West Indies—intended as an offset to the American Association—and suspending the prosecution from those colonies of the Newfoundland fishery, a principal branch at that time of their trade and industry. An address to the throne, proposed by the ministers, and carried after great debates, declared that a rebellion already existed in Massachusetts, countenanced and fomented by unlawful combinations in other colonies. Effectual measures were recommended for suppressing

Feb. 3.

Feb. 7.

CHAPTER this rebellion; and the support of Parliament was pledged
XXXI to the king in the maintenance of the just authority of
1775. the crown and the nation.

Yet the private sentiments of Lord North were not materially different from the opinions avowed and maintained by Chatham. In urging the use of force against the colonies, he yielded to the exigencies of his position at the head of the ministry rather than to his own sense of justice and sound policy. Not willing to relinquish the idea of conciliation, in the midst of the hot debate on the New England Restraining Bill, the minister astonished the nation, and his own party especially, by himself bringing forward a conciliatory proposition, in substance very little different from that which Chatham had offered, and which the House of Lords had so peremptorily rejected. This motion, less precise and specific than Chatham's, proposed, in vague and general terms, that when the Assembly of any province should offer to make a provision, suitable to its circumstances, for raising a sum of money, disposable by Parliament, for the common defense, and should engage to provide for the support of civil government and the administration of justice within its own limits, and such offers should be approved by the king and Parliament, it would be proper, so long as such provision should continue to be made, to forbear the levy of any duties or taxes within such colony by act of Parliament except such as might be required for the regulation of trade, the net produce to be carried to the account of such province. This motion was warmly opposed by the ultra supporters of the authority of the mother country, who complained of it as yielding up the whole matter in controversy. North argued, on the contrary, that it yielded nothing, and pledged the mother country to nothing. He did not expect that it would be generally ac-

ceptable in America, but he hoped to use it as a means of dividing the colonies. With these explanations, the motion was carried. An indirect negotiation had meanwhile been attempted with Franklin, through the agency of Lord Howe. But Franklin did not regard the ministerial proposals as likely to be satisfactory, and seeing the pass to which things were coming, he embarked for Pennsylvania.

In opposition to the New England Restraining Bill, testimony was heard as to the extent and importance of the fisheries, and their intimate connection with the trade of the mother country; but all without avail. That bill had hardly passed the Commons when fresh information arrived from America of the support so generally given there to the proceedings of the Continental Congress. In consequence of this news, another bill was brought in, extending similar restrictions to all the colonies except New York, North Carolina, and Georgia. The Assemblies of New York and Georgia had declined to adopt the American Association; the ministers were encouraged by Governor Martin to entertain hopes of North Carolina also—a delusion to which the agent of that province contributed, by taking upon himself to keep back a petition from the Assembly, containing, as he alleged, many “strange inaccuracies and reflections on the Parliament and ministry.” The merchants interested in the West India trade were heard on their petition against this new restraining bill. They gave in evidence the great and increasing magnitude of the sugar trade; the entire dependence on the North American colonies of those concerned in the sugar cultivation for the indispensable articles of provision and lumber, and the danger of famine were trade with those provinces broken off. A petition from the Assembly of Jamaica, laid before

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March.

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Parliament, while it confessed the weakness of that colony by reason of its great slave population, and its total inability, therefore, to make any resistance by arms, yet energetically sustained the claim of rights set up by the North American provinces, and vehemently protested against the "plan almost carried into execution for reducing the colonies into the most abject state of slavery."

Petitions for conciliation were presented from the English Quakers, from the British settlers in the province of Quebec, and from numerous manufacturing towns. The friends of the ministry got up also a few counter-petitions for vigorous proceedings against the rebellious colonies.

Burke, as representative of the Rockingham section of the opposition, brought forward a series of resolutions proposing the abandonment of all attempts at parliamentary taxation, and a return to the old method of raising American supplies by the free grant of the colonial Assemblies. He supported these resolutions in an elaborate speech; but his motion was voted down, as was a similar one, introduced a few days after by David Hartley, on behalf of the Chatham section of the opposition.

Wilkes, whom the ministry had labored so hard to crush, and whom the king regarded as his mortal enemy, had not only been returned a member of the present Parliament—to exclude him from which no attempt was made—but he was also Lord-mayor of London, in which capacity he presented to the king a remonstrance from the city authorities, expressing "abhorrence" of the measures in progress for "the oppression of their fellow-subjects in the colonies," and entreating the king, as a first step toward the redress of grievances, to dismiss his present ministry.

Some apprehensions began to be felt lest the discon-
 tents in America might extend to Ireland, where the
 Protestant portion of the inhabitants had hitherto been
 employed to keep the papist majority in subjection.
 That majority, amounting to seven eighths of the entire
 population, were not only deprived of all political privi-
 leges, but were subjected also to a great many rigorous
 and cruel restraints, designed to keep them ignorant,
 poor, and helpless. Even the Protestant minority, on
 whom England relied to keep down the papists, were by
 no means on a level with the inhabitants of Great Britain.
 They had, indeed, a Parliament of their own, but that
 Parliament had not even the rights possessed by the
 American colonial Assemblies. It was held in strict
 subordination by the British ministry, without whose
 consent no bill could be introduced. In matters of trade,
 Ireland was regarded as a foreign country; we have had
 more than one occasion to notice with what jealousy
 she had been excluded from trade with the colonies. It
 was now judged expedient to conciliate the Irish by
 relaxing somewhat these commercial restrictions. But
 already the ideas started in the colonies were sowing the
 seeds of a revolution in Ireland.

Toward the end of the session, Burke asked leave to lay
 before the Commons the remonstrance lately voted
 by the Assembly of New York. Much to the disap-
 pointment of those who had counted on the defection of
 that province, this document was found to be so emphatic
 in its claim of rights that the minister opposed and pre-
 vented its reception.

Meanwhile, in the colonies, matters had reached a
 decisive issue. Daniel Leonard, a royalist writer of un-
 common art and ability, had made, in a series of articles
 in a Boston newspaper, a very vigorous effort to con-

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vince his countrymen of the folly and danger of further resistance. To these articles John Adams promptly re-

1775. plied. Ruggles got up a counter-association against that
Jan. of the Continental Congress, and he persuaded a few persons to sign it; but it became necessary to send a detachment of British troops to Marshfield to protect Ruggles and his signers against popular vengeance.

Feb 1. The new provincial Congress of Massachusetts, consisting of upward of three hundred members, having met at Cambridge, Elbridge Gerry, a merchant of Marblehead, for two or three years past prominent in the General Court, was placed at the head of the Committee of Supplies. Active measures were taken for arming and drilling the militia, and especially for procuring powder; and magazines of provisions and military stores began to be laid up at Concord, Worcester, and other places. An appeal to the people was put forth, and a day of fasting and prayer appointed; after which the Congress took a short adjournment.

Aware of what was going on, Gage sent a detachment to Salem, whence the British troops had been withdrawn for concentration at Boston, to seize some cannon said to be deposited there. A hundred and fifty regulars, sent
Feb 26. from Boston by water, landed at Salem on this business. Not finding the cannon there, they marched in search of them toward the adjoining town of Danvers. At a bridge between the towns they encountered a party of militia, under Colonel Pickering, who claimed the bridge as private property, and proposed to dispute the passage. It was Sunday; one of the Salem ministers interfered, and, taking advantage of reverence for the day, with much difficulty prevented a collision. The soldiers were allowed to pass the bridge, but soon returned without finding the cannon. About the same time, two officers,

sent in disguise to examine the country and the roads toward Worcester, reported the people very hostile. CHAPTER XXXI

The Connecticut Assembly, in a special session, though they declined to take immediate steps for enlisting troops, yet commissioned Daniel Wooster as major general, and Joseph Spencer and Israel Putnam as brigadiers. The Massachusetts Congress, reassembling shortly after, voted to raise an army for the defense of the province. They sent committees to the other New England colonies to solicit their aid and concurrence, and meanwhile took another recess.

Gage had asked for twenty thousand men. As yet he had short of four thousand; but as the spring opened, he determined by active movements to nip these rebellious preparations in the bud. The officers sent from Boston to make a reconnoissance, reported that some cannon and a quantity of provisions and military stores had been collected at Concord, an interior town about twenty miles from Boston. To destroy these stores, eight hundred British troops, light infantry and grenadiers, left Boston, under Colonel Smith, with great secrecy, shortly after midnight, and reached Lexington, within six miles of Concord, before sunrise. But the alarm had been given—it was supposed their object might be to arrest Hancock and Samuel Adams, who were lodging at Lexington—and the minute men of the neighborhood, about a hundred in number, had assembled on the Green in front of the meeting-house. The head of the British column came suddenly upon them, led by two or three officers, who called upon the minute men to throw down their arms and disperse. When these orders were not instantly obeyed, a volley was fired, by which eight of the minute men were killed, and several wounded. The British alleged, however, that the minute men fired first. The

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survivors scattered at once, and the regulars marched on to Concord. As they approached that village, another
1775. body of minute men was seen assembled on a hill in front of the meeting-house; but, as the regulars advanced, they retired across a bridge to another hill back of the town. The bridge was taken possession of by the regulars, a guard of three companies was stationed at it, and three other companies were sent across to destroy some stores at a distance. The main body halted near the meeting-house, and commenced destroying the stores found there. The minute men on the hill, increased by constant accessions, presently advanced toward the bridge. The guard, having retired across it, began to take up the planks, and, as the minute men continued to approach, they were fired at, and two were killed. The fire was returned with effect, and the regulars fled; yet such was the hesitation of the colonists, that the three British companies beyond the bridge were suffered to recross without molestation. They fell back to the village, and the whole detachment commenced a speedy retreat. It was time. The alarm had spread; the country was up. The minute men, hurrying in from every side, threatened the rear, the flanks, the front of the retreating column, and from behind trees, fences, and stone walls, poured in an irregular but gallant and fatal fire. The British suffered very severely; the commanding officer was wounded; the retreat was fast turning into a rout; the whole party would have fallen into the hands of the provincials but for seasonable aid found at Lexington, whither Gage, at Smith's request, had dispatched Lord Percy with a supporting column of nine hundred men and two pieces of cannon. The artillery kept the minute men at bay; Percy's men received their exhausted companions within a hollow

square, and the retreat, after a short halt, was again re-
 commenced. By throwing out strong flanking parties, Percy covered his main body, and by sunset the regu-
 lars reached Charlestown, worn out with fatigue, and with a loss in killed and wounded of near three hundred men. The provincial loss was about eighty-five. The exhausted regulars encamped on Bunker Hill, under cover of the ships of war in the river. The next day they crossed the ferry to Boston.

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From all parts of New England volunteers marched at once, and within a day or two after the fight, Boston was beleaguered by a considerable but irregular army. Gage agreed with the Bostonians that, if all arms were given up, such as chose might leave with their families; but, having obtained the arms, he found pretenses for breaking his agreement.

The reassembled Congress of Massachusetts voted to April 23 raise thirteen thousand six hundred men, arranged presently into twenty-seven regiments. The other New England colonies were called upon to make up the army to thirty thousand men. Ward was appointed captain general, Thomas lieutenant general. A regiment of artillery was authorized, the command being given to Gridley, appointed also chief engineer. A captain's commission was promised to any person who would enlist fifty-nine men; any body who could procure the enlistment of ten companies was to be made a colonel. This method facilitated raising the men, but brought many incompetent officers into the service.

The issue of paper money, one of the greatest miseries of war, disused in Massachusetts for the last quarter of a century, was now revived. Provincial notes were issued to the amount of £100,000, \$333,333, in sums small enough to circulate as a currency.

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Depositions to show that the regulars had fired first at Lexington, without provocation, were dispatched to 1775. England by a special packet, with a short but energetic address to the inhabitants of Great Britain, expressing the resolution "to die or be free." Franklin, to whom this address and the depositions were inclosed, was requested to have them printed and distributed, and to communicate them especially to the city of London. But Franklin had sailed for America, leaving the Massachusetts agency in the hands of Arthur Lee.

The appeal to the other New England colonies was April 25. not made in vain. The Rhode Island Assembly voted an army of observation of fifteen hundred men—a measure opposed, however, by Governor Wanton and two or three of the assistants, who entered a protest against it as dangerous to their charter privileges, likely to involve the colony in a war, and contrary to their oath of allegiance. Stephen Hopkins and Samuel Ward, former governors and political rivals, were reappointed delegates to the Continental Congress. Wanton was rechosen governor at the election shortly after; but, as he did not

May 3. appear to take the oaths, the Assembly directed that the duties of the office should be performed by Deputy-governor Cooke, who continued for the next three years at the head of affairs. A body of Rhode Island volunteers had appeared before Boston, led by Nathaniel Greene, a young iron master, educated a Quaker, but now disowned by that communion on account of his military propensities. He was appointed by the Assembly commander-in-chief of the army of observation, with the rank of brigadier. Varnum commanded one of the three regiments.

April 26. The Connecticut Assembly voted to raise six regiments of a thousand men each, four of them to serve with the army before Boston. Wooster, Spencer, and

Putnam, already commissioned as generals, were each to have a regiment; the other three were to be commanded by Hinman, Waterbury, and Parsons. Putnam was already in the camp before Boston. Old man of sixty as he was, on hearing the news of the battle of Lexington, he had left his plow in the furrow to put himself at the head of the Connecticut volunteers.

A special convention of delegates from the nearest towns, called together by the New Hampshire Committee of Safety on hearing the news of the battle of Lexington, did not think it best to anticipate the action of a Provincial Congress, already summoned for the seventeenth of May, by taking steps for organizing an army; but the several towns were requested to forward supplies to the volunteers who had followed Stark to Boston. Meanwhile, the Massachusetts Congress directed enlistments among the New Hampshire soldiers in camp. As the new regiments began to be formed, the volunteers returned home. For some weeks the force before Boston was very small, amounting to only two or three thousand men.

In hopes that matters might possibly be reconciled, Governor Trumbull and the Connecticut Assembly sent a deputation to Gage to act as mediators—a step which excited much alarm in Massachusetts. The Provincial Congress remonstrated against any separate negotiations; and they voted Gage a public enemy, an instrument in the hands of tyrants, whom there was no further obligation to obey. Some correspondence took place between Gage and Trumbull, but nothing came of the Connecticut mediation.

The Assembly of New York having refused to appoint delegates to the new Continental Congress, an ardent struggle had taken place in the city, not altogether un-

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May 1.

May 5.

March 16.

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 accompanied with violence, on the question of electing members to a Provincial Convention for the purpose of 1775. choosing such delegates. The popular party carried the April 22. day; and by the Convention presently held, twelve delegates were appointed, any five of whom were authorized to represent the province in the Congress. *

The Corresponding Committee of New York, on receiving news of the battle of Lexington, drew up an Association for the Defense of Colonial Rights, which every body was called upon to sign—an expedient presently adopted in several other of the colonies, those especially in which considerable differences of opinion existed. The same committee also issued a circular to the several county committees, recommending the speedy meeting of a Provincial Congress, “to deliberate on and direct such measures as may be expedient for our common safety.”

News having arrived in Philadelphia of the fight at April 24. Lexington, a great public meeting was held, at which measures were taken for entering into a volunteer military association, which soon pervaded the whole province. In spite of the admonitions of their elders, many of the young Quakers took a part in this organization. Mifflin was the moving spirit of the whole. John Dickinson accepted the command of a regiment, as did Thomas M’Kean and James Wilson, leading lawyers in the city. M’Kean was a native of Pennsylvania, of Scotch-Irish descent; Wilson was born in Scotland, but he had studied law and for the last eight years had been a resident in Philadelphia, where his talents had raised him to conspicuous notice. The Assembly, which met shortly after, May 1. appropriated £1800 toward the expenses of the volunteers. They also appointed a Committee of Safety, of which Franklin, just returned from England, was made chairman. This committee took measures for the de-

fense of Philadelphia, and in a short time assumed the whole executive authority. Franklin, Wilson, and Will-
 ing were added to the congressional delegation; Gal-
 loway, at his own earnest request, was excused from
 serving. Governor Penn laid Lord North's conciliatory
 proposition before the Assembly, but it did not meet with
 much favor.

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The Delaware Assembly had already approved the
 doings of the late Continental Congress, and had ap-
 pointed delegates to the new one, in which they were
 presently imitated by the Assembly of Maryland.

April 24

The Virginia Convention, which met at Richmond to
 appoint delegates to the new Continental Congress, had
 been persuaded, by the energy and eloquence of Patrick
 Henry, to take measures for enrolling a company of
 volunteers in each county. Before news arrived of the
 battle of Lexington, Governor Dunmore had ordered the
 powder belonging to the province to be taken from the
 public store at Williamsburg, and placed on board an
 armed vessel in the river. This proceeding caused a
 great excitement, increased by news of the Lexington
 fight. Having collected some companies of the new vol-
 unteers, Henry marched toward Williamsburg, and com-
 pelled the king's receiver to give bills for the value of
 the powder taken away. Dunmore sent his family on
 board a ship in the river, fortified his palace, and issued
 a proclamation declaring Henry and his coadjutors guilty
 of rebellion; but their conduct was sustained and ap-
 proved by numerous county conventions.

March 28


April 21.

May 4

In spite of all Martin's efforts to prevent it, a Pro-
 vincial Congress met in North Carolina simultaneously
 with the Assembly, and, for the most part, composed of
 the same members. Both bodies concurred in approving
 the proceedings of the late Continental Congress, and in

April 6

CHAPTER XXXI appointing delegates to the new one. News arriving of the battle of Lexington, an Association was entered into 1775. by the friends of colonial rights, pledging the associators to defend those rights by force, if necessary. The citizens of Meehlenburg county carried their zeal so far as May 31. to resolve, at a public meeting, to throw off the British connection, and they framed a formal Declaration of Independence. But this feeling was by no means general. There were many who refused to sign the Association, or to take the oath of neutrality tendered instead. Counter combinations were also entered into for sustaining the royal authority.



The fortresses of Ticonderoga and Crown Point, on the northern frontier of New England and New York, the possession of which had cost such severe struggles during the late war, were held by very slender garrisons. Apart from their importance as military positions, especially as Canada did not unite with the other colonies, their cannon and military stores offered a very tempting prize. The controversy between the inhabitants of Vermont and the authorities of New York had reached a high pitch. The New York Assembly, at its late session, which proved, indeed, to be its last, had passed an act offering rewards for the apprehension of those who had been most active in opposing their jurisdiction, and declaring such as did not surrender within a certain time guilty of felony, and liable to suffer death. The March 31. Green Mountain Boys retorted by holding a Convention, April 11. which totally renounced the authority of New York.

Previous to the battle of Lexington, the expediency of seizing Ticonderoga and Crown Point had been suggested to the Massachusetts Committee of Safety, a board of thirteen members, which exercised the general executive direction of affairs. Their attention was now

recalled to the subject by Benedict Arnold, a New Haven trader and shipmaster, who commanded a company of volunteers in the camp before Boston. Arnold received a commission as colonel, with authority to raise men in Vermont to attempt the surprise of those fortresses. The attention of Connecticut had been called to the same subject, and, about the time of Arnold's departure, some persons deputed for that purpose had induced Ethan Allen and Seth Warner, the two most active leaders among the Green Mountain Boys, to raise a force for the same enterprise. Arnold, as yet without men, joined Allen's party and claimed the command, but, being refused, agreed to serve as a volunteer. Allen approached Ticonderoga with eighty men, penetrated undiscovered into the center of the fort, surprised the commanding officer in his bed, and summoned him to surrender "in the name of the great Jehovah and the Continental Congress!" Crown Point was taken by Warner with equal ease. The total garrisons of both posts were only sixty men. Upward of two hundred pieces of artillery, and a large and precious supply of powder, of which there was a great scarcity in the camp before Boston, fell into the hands of the captors. Arnold was presently joined by some fifty recruits, who had seized a schooner, and taken several prisoners and some pieces of cannon at *Skenesborough*, a new settlement (now *Whitehall*) at the head of Lake Champlain, founded by Colonel Skene, a British officer, who had gone to England to solicit an appointment as governor of Ticonderoga. In this captured vessel Arnold proceeded down the lake, entered the Sorel, surprised the post of St. John's, where the navigation terminates, captured an armed vessel there, and carried off some valuable stores. Allen proposed to hold St. John's, but was obliged to retire by a superior force

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May 10.

May 10.

CHAPTER from Montreal. Arnold, with his vessels, returned to
XXXI Crown Point.

1775. Meanwhile the Provincial Congress of New Hampshire appointed a treasurer, issued bills of credit, and voted to raise three regiments, the troops in the camp before Boston to constitute two. Nathaniel Folsom was appointed brigadier; Stark, Read, and Poor were commissioned as colonels.

May 15. The New Jersey Assembly, called together by Governor Franklin to consider Lord North's conciliatory proposition, declined to approve it, or to take any decisive step in the matter, except with the consent and approbation of the Continental Congress, already met. No sooner

May 23. had the Assembly adjourned than a Provincial Congress was organized, and an Association agreed to for the defense of colonial rights, similar to that of New York. Measures were taken for organizing the militia, and £10,000 were issued in bills of credit for the payment of expenses. But the Congress declined to raise regular troops till some general plan should first be agreed upon.

May 10. To the Continental Congress assembled at Philadelphia all eyes were now eagerly turned. The Eastern delegates were escorted into the city by a cavalcade. Randolph was again elected president, and Charles Thompson secretary. But Randolph being soon called home to attend as speaker of the Virginia Assembly, a session which Dunmore had summoned to take Lord North's conciliatory proposition into consideration, his seat in the Congress was filled by Thomas Jefferson, provisionally appointed for that purpose, and his place as president by

May 24. John Hancock. The parish of St. John's, in Georgia, including the district about the River Midway, had chosen

March 25 Lyman Hall as their special representative, and as such he was admitted, but without a vote. Having resolved

itself into a Committee of the Whole, to take into consideration the state of the colonies, a full account of the recent events in Massachusetts was laid before the Congress. To this same committee was also referred a letter from the Provincial Congress of Massachusetts, asking advice as to the form of government to be adopted there, and requesting the Continental Congress to assume the control and direction of the forces assembled before Boston.

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May 11.

The former Congress had claimed no political power, though the signature of the American Association had made a near approach to it. The present Congress, called upon by the public voice of the colonies, entered at once on the exercise of a comprehensive authority, in which supreme executive, legislative, and, in some cases, judicial functions were united—an authority without any formal sanction or fixed limits, except the ready obedience of a large majority in most of the colonies. If this majority was any where doubtful—and, now that war approached, of those hitherto active in the colonial cause some began to shrink—the supporters of the Congress more than made up for lack of numbers by superior intelligence, activity, and zeal.

The Committee of the Whole reported, and Congress resolved, that hostilities had been commenced by Great Britain. They denied any intention of throwing off their allegiance, and expressed an anxious desire for peace; but voted, at the same time, that the colonies ought to be put in a posture of defense against the attempt to compel them by force to submit to the scheme of parliamentary taxation. It was deemed useless to memorialize Parliament any further; but by the influence of Dickinson, against the strenuous efforts of John Adams and his colleagues, another petition to the king was voted. In New England the idea of independence be-

CHAPTER XXXI. gan already to be freely entertained—a notion, as yet,
very unpalatable in the middle and southern colonies.

1775. It was resolved that no provisions ought to be furnished to the British army or navy, that no bills of exchange drawn by British officers ought to be negotiated, and that no colonial ships ought to be employed in the transportation of British troops.

Besides a committee on the petition to the king, committees were appointed to prepare an address to the people of Great Britain, an address to the people of Ireland, a letter to the Assembly of Jamaica, and an appeal to the "oppressed inhabitants of Canada." A proclamation was also issued for a day of solemn fasting and prayer. It was resolved that no obedience was due to the late act of Parliament for subverting the charter of Massachusetts; and the Congress of that province, in answer to their application, were advised to organize a government in as near conformity to the charter as circumstances would admit. A rumor spreading that a British regiment had been ordered from Ireland to New York, in answer to an application on that subject from the city committee, Congress advised that the troops be allowed to land and to occupy the barracks, but not to fortify the town, nor to intercept the communication with the country.

May 22. A Provincial Congress for New York, assembled on the suggestion of the city committee, appointed Nathaniel Woodhull as president. The members did not vote individually. A certain number of votes were allowed to each county, in proportion to its assumed wealth and population. They forwarded to Philadelphia a scheme to furnish funds for defending the colonies by the issue of a continental currency, substantially the same with that presently adopted. They also took measures for

enlisting four regiments for the defense of the province, and for erecting fortifications, recommended by Congress, at the head of York Island and in the Highlands of the Hudson. Meanwhile, at the suggestion of Congress, they invited Wooster, with his Connecticut regiment, to assist in defending the city against the expected British troops. Wooster marched accordingly, and encamped at Harlem, whence he sent troops to Long Island to guard against British cruisers and foraging parties, and to cut off supplies of provisions sent to Boston. The Continental Congress were very anxious for the defense of Ticonderoga; and the New York Provincial Congress agreed to furnish provisions for Colonel Hinman, who had marched thither with his Connecticut regiment. There was in the province a large and powerful party warmly attached to the British connection—a party not without its representatives even in the Provincial Congress, of which the tone, in consequence, was comparatively moderate. Gouverneur Morris, a leading member, a young lawyer, a shoot of that Morris family so conspicuous in the colonial history of New York and New Jersey, and the originator of the project for continental paper money, saw in prospect, should a separation from the mother country take place, only “the domination of a riotous mob.” A great deal of time was accordingly spent on a plan for conciliation. This plan, agreed to by the majority, in spite of the strenuous opposition of M'Dougall, Sears, and other “Sons of Liberty,” required a repeal of all the obnoxious acts of Parliament, but acknowledged the right of the mother country to regulate trade, and the duty of the colonies to contribute to the common charges by grants to be made by the colonial Assemblies, or by a general Congress specially called for that purpose.

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The Continental Congress proceeded, meanwhile, to the delicate task of appointing a commander-in-chief. Unanimity on this important occasion was much promoted by John Adams, very anxious to conciliate the good-will and support of the southern colonies. George Washington, present as a member of Congress from Virginia, was nominated by Johnson of Maryland, and unanimously chosen. He accepted the appointment in a modest speech, in which he declined any compensation beyond payment of expenses. Artemas Ward, Charles Lee, Philip Schuyler, and Israel Putnam, were chosen major generals; Horatio Gates, adjutant general, with the rank of brigadier. Ward and Putnam were already in command in the camp before Boston, the one as captain general, under a Massachusetts commission, the other as a Connecticut brigadier. Schuyler had been recommended as a major general by the New York Provincial Congress. Gates, an Englishman by birth, formerly in the British service, had recently sold out his commission of major and settled in Virginia. Lee was a person of very eccentric habits, a mere soldier of fortune, but possessing a high reputation for military experience and science, having served with distinction both in Europe and America. He held, at the time of his election, a lieutenant colonel's commission in the British service. During the last eighteen months he had been traveling through America, and had recently been induced by Gates to purchase lands in Virginia. For some unknown private cause, he was bitterly hostile to the British ministry. Congress undertook to indemnify him for any pecuniary loss he might sustain by entering into their service, and subsequently advanced him \$30,000 for that purpose. Before accepting this American appointment, he resigned his British commission in a formal letter to the Secre-

tary of War. A strenuous opposition was made in Con-
gress to the appointment of both Lee and Gates. Wash-
ington urged it on account of their military knowledge
and experience, but they both occasioned him afterward
a great deal of trouble. CHAPTER
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Pomeroy, Heath, and Thomas, of Massachusetts; June 22
Wooster and Spencer, of Connecticut; and Greene, of
Rhode Island, already holding colony commissions as gen-
eral officers, were commissioned as brigadiers. To these
were added Sullivan, a member of Congress from New
Hampshire, and Montgomery, of New York, a native of
the north of Ireland. Though bred a lawyer, and with-
out military experience, Sullivan soon proved himself an
able officer. Montgomery had served with credit in a
subaltern rank at the siege of Louisburg, and under Wolfe
at Quebec. Within two or three years past he had dis-
posed of his commission, had married into the Livingston
family and settled in New York, and, along with Schuy-
ler, had been recommended for military rank by the New
York Provincial Congress, of which he was a member.
The colonels and other inferior officers in the camp before
Boston were confirmed in their commands, and presently
received Continental commissions. The selection of gen-
eral officers by Congress occasioned a good deal of heart-
burning, particularly the Connecticut appointments.
Wooster and Spencer, who had led regiments in the last
French war, complained loudly at being superseded by
Putnam, who had not risen in that service beyond the
rank of lieutenant colonel. A representation on this
subject was made to Congress by the Connecticut officers
and the Connecticut Assembly. There were objections,
also, to Pomeroy's outranking Thomas, which Pomeroy
disposed of by declining a commission.

Before these new arrangements were completed an im-

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CHAPTER XXXI. important battle had been already fought. Largely re-en-

forced by the arrival of additional troops, under Generals

1775. Howe, Burgoyne, and Clinton, distinguished and accomplished officers, the British army in Boston had been increased to twenty regular regiments, amounting to upward of ten thousand men. Thus strengthened, Gage had

June 12. issued a proclamation of martial law, offering pardon, however, to all who would forthwith return to their allegiance, John Hancock and Samuel Adams excepted, whose guilt was too flagitious to be overlooked. The New England army before Boston, sixteen thousand strong, consisted of thirty-six regiments, twenty-seven from Massachusetts, and three from each of the other colonies. John Whitcombe, who had led a regiment in the French war, and Dr. Joseph Warren, president of the Congress and chairman of the Committee of Safety,

June 15. had been appointed first and second major generals of the Massachusetts forces.

To make the blockade of Boston more complete, by order of the Committee of Safety, Colonel Prescott, with twelve hundred men, including a company of artillery

June 16. with two field pieces, marched at nightfall to take possession of Bunker Hill, a considerable eminence just within the peninsula of Charlestown, and commanding the great northern road from Boston. By some mistake, Prescott passed Bunker Hill and advanced to Breed's Hill, at the southern end of the peninsula, and much

June 17. nearer Boston. Before morning the troops had thrown up a considerable redoubt, greatly to the surprise of the British, who opened immediately a fire upon them from the batteries in Boston and the ships in the harbor. Under the direction of Gridley, and encouraged by Prescott, in whom great confidence was felt, the provincials labored on undisturbed by the fire, and by noon they had

thrown up a breastwork extending from the redoubt, down the northern slope of the hill, toward the water. Cannon mounted in the redoubt would command the harbor, and might make Boston itself untenable. To avert this threatened danger, three thousand men, picked corps of the British army, led by Generals Howe and Pigot, embarked in boats from the wharves in Boston, and landed at the eastern foot of Breed's Hill. Such was the want of order and system in the provincial camp, and so little was the apprehension of immediate attack, that the same troops, who had been working all night, still occupied the intrenchments. General Putnam was on the field, but he appears to have had no troops and no command. It was the same with Pomeroy and Warren, whom the rumor of attack had drawn from Cambridge. Two New Hampshire regiments, under Stark, arrived on the ground just before the action began, and took up a position on the left of the unfinished breastwork, but some two hundred yards in the rear, under an imperfect cover, made by pulling up the rail fences, placing them in parallel lines a few feet apart, and filling the intervening space with the new-mown hay which lay scattered on the hill. Other troops had been ordered to Charlestown; but, owing to a variety of causes, only a few arrived in season to take part in the battle. The artillery had been increased to six pieces, but the supply of ammunition was very short.

About three in the afternoon of a brilliant summer's day, the British troops advanced toward the redoubt, supported by a redoubled fire from the ships and the batteries. The neighboring hills, and the roofs and steeples of Boston, were crowded with anxious spectators. The assailants pressed forward till within a hundred yards of the provincials, when they were suddenly check-

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ed by quick and heavy volleys from the redoubt and breastwork, delivered with the unerring aim of marks-
 1775. men. Before a fire so deadly the regulars wavered, broke, and fell back in disorder to the landing place. Soon, however, they were rallied by their officers, and again brought up to the charge. During the first attack some scattering shots had come from the houses on the British left. Infuriated by repulse, Gage gave orders for setting the village of Charlestown on fire. The wooden buildings burned rapidly, and the tall spire of the meeting-house was soon wrapped in flames. While this conflagration added new horrors to the scene, the British line again moved forward. Again the same fatal fire drove them back in confusion to the landing place. General Clinton passed over from Boston to give his assistance. The troops, by great efforts on the part of the officers, were rallied, and led a third time up the hill, and now with better success. The powder of the provincials began to fail, and no supply was at hand. Some British artillery pushed into the gap between the breastwork and the rail fence, planted their pieces, and swept the breastwork from end to end. The grenadiers assailed the redoubt on three sides at once, and carried it at the point of the bayonet. Pending the main attack, the British light infantry advanced upon Stark's troops behind the rail fence, but were warmly received, and kept at bay till the redoubt was carried; after which the whole body of the provincials, abandoning five pieces of cannon, made good their retreat over Charlestown Neck, being covered by the troops which they met advancing to their assistance.

The provincials might consider such a defeat as little less than victory. Out of three thousand British troops engaged, over one thousand were killed or wounded—a

loss such as few battles show. The ministry were so little satisfied with the accounts sent them of this transaction, that Gage was superseded in command. The provincial loss was four hundred and fifty; but among the slain was General Warren. Ardent, sincere, disinterested, and indefatigable, his death was deeply deplored. He left an infant family, with small means of support; for whom, by the zeal and perseverance of Arnold, the Continental Congress was at last pushed to make some provision. The battle of Bunker Hill figures in history as having tested the ability of the provincials to meet a British army in the field. That, however, was a point on which the provincials themselves never had any doubts, and the battle, at the moment, was less thought of than now. Nor were the men engaged in it all heroes. The conduct of several officers on that day was investigated by court martial, and one, at least, was cashiered for cowardice.

Heath was appointed major general in Warren's place, and a similar commission was given to Frye, both colonels in the Massachusetts army, and Frye commander-in-chief of the Massachusetts forces at the unfortunate capture of Fort William Henry. But these commissions, and the other previous ones, were soon superseded by the new continental appointments. About a fortnight after the battle of Bunker Hill, Washington, attended by several ardent young men from the southern provinces, arrived in the camp and assumed the command. He found there excellent materials for an army, but great deficiencies of arms and ammunition, and great defects of discipline and organization. To prevent the British, not greatly inferior in numbers, and perfectly armed, equipped, and disciplined, from penetrating into the country, it was necessary to guard a circuit of eight or nine

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CHAPTER miles. Washington established his head-quarters at
XXXI. Cambridge. Ward, in command of the right wing, was

1775. stationed at Roxbury; and Lee, with the left, on Prospect Hill. Joseph Trumbull, a son of the governor of Connecticut, and commissary for the troops of that province, was appointed commissary general of the consolidated army. The post of quarter-master general was given by Washington, under authority from Congress, to Mifflin, who had followed him from Philadelphia as an aid-de-camp. The post of secretary to the commander-in-chief was bestowed on Joseph Reed, another Philadelphian; but, on Reed's return to Philadelphia a few months afterward, Washington selected for that important and confidential duty Robert H. Harrison, a lawyer of Maryland, with whom he had formerly had business relations, and who continued for several years to discharge its responsible duties very much to the general's satisfaction. Edmund Randolph, a nephew of Peyton Randolph, but whose father, the attorney general of Virginia, was a decided Royalist, had accompanied the commander-in-chief to Boston, and acted for a while as aid-de-camp. But he was presently recalled to Virginia by his uncle's sudden death.

The camp was soon joined by some companies of riflemen from Maryland, Virginia, and Western Pennsylvania, enlisted under the orders of Congress. One of the Virginia companies was led by Daniel Morgan, formerly a wagoner, in which capacity he had been wounded at Braddock's defeat. A man of Herculean frame and indomitable energy, his qualities as a partisan soon made him distinguished. Otho H. Williams, lieutenant of one of the Maryland companies, rose ultimately to the rank of brigadier. These new auxiliaries, most of whom were

Irishmen, did not make themselves very agreeable to the New England troops. CHAPTER
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While Washington was engaged in organizing the 1775. army, the Continental Congress was busy with measures for its support, pay, and government. In conformity with the suggestions of the New York Provincial Congress, it was voted to issue two millions of dollars in continental bills of credit. Articles of War were agreed to, and a Declaration was issued, setting forth the "causes and necessity for taking up arms." "Our cause is just," said this declaration; "our union is perfect. Our internal resources are great; and, if necessary, foreign assistance is undoubtedly attainable." Any intention, however, to dissolve the union with Great Britain was emphatically disclaimed. "We have not raised armies with the ambitious design of separating from Great Britain and establishing independent states." "In defense of the freedom that is our birthright we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed." A petition to the king, firm but respectful, drawn by Dickinson—the last attempt at reconciliation on the part of the colonists—was adopted and signed by all the members. An Address to the Inhabitants of Great Britain re-stated the chief points of the controversy, and called upon the British people, as "men, countrymen, and brethren," not to countenance proceedings as dangerous to British as they were to American liberty. As a pendant to this address, a letter of thanks was sent to the mayor and livery of London for their spirited opposition to the oppressive and ruinous ministerial system of colonial administration. These documents were intrusted to Richard Penn, then about to visit England, a grandson of the

CHAPTER founder of Pennsylvania, late governor of the province;
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and brother of the present governor, for many years past
 1775. a resident in America. An Address to the People of

July 21. Ireland, returning hearty thanks for the sympathy ex-
 hibited for the colonies, significantly alluded to the griev-
 ances under which that island labored. A letter to the

July 25. Assembly of Jamaica returned thanks also for their
 sympathy. "The peculiar situation of your island for-
 bids your assistance. But we have your good wishes.
 From the good wishes of the friends of liberty and man-
 kind we shall always derive consolation."

The importance of keeping on good terms with the
 Indians was not overlooked. Three boards were consti-
 tuted for Indian affairs: one for the Six Nations and
 other northern tribes; a second for the Cherokees and
 Creeks; and a third for the intervening nations. Five
 hundred dollars were voted for the education of Indian
 youth at Wheelock's school, recently established at Han-
 over, in New Hampshire. In the camp before Boston,
 Massachusetts already had a body of Stockbridge Indians,
 the last remains of the tribes of Western New England.
 Overtures had also been made to the Six Nations through
 Kirkland, a missionary to the Oneidas, whose support
 was presently assumed by Congress. But Kirkland, and
 all the other dissenting missionaries, were soon ordered
 out of the country by Guy Johnson, the British Indian
 agent, whose hostile attitude occasioned some apprehen-
 sions. John Adams, dining some time after at Cam-
 bridge with Mifflin, the quarter-master, found at table
 some Indians of the Cagnawagas, or French Mohawks,
 who "made a savage feast of it." Louis, head chief of
 the Cagnawagas, half blood of the negro and Indian, was
 complimented with a commission as colonel, and faith-
 fully adhered to the American cause.

Ever since Franklin had been dismissed from his office ^{CHAPTER XXXI} of post-master, William Goddard had been traveling from colony to colony, exerting himself to get up a "constitutional post-office" in opposition to the royal mail, which by this time was nearly broken down from failure of postages. Congress now established a post-office system of its own, and appointed Franklin post-master general. July 26. 1775.

An army hospital was also organized, the directorship of which was given to Dr. Benjamin Church, a physician of Boston, who had almost rivaled Warren in his zeal for the colonial cause. Washington was authorized to keep up in Massachusetts such a body of troops as he might think necessary, not exceeding twenty-two thousand men. July 27.

To meet increasing expenses, another million in bills of credit had already been authorized. Two joint treasurers were also appointed, George Clymer and Michael Hillegas, the latter of whom remained in office as long as the confederation lasted. The liability for the three millions of bills already out was distributed among the colonies, subject, however, to future revision, in the ratio of their supposed "number of inhabitants, of all ages, including negroes and mulattoes;" the bills to be redeemed in four annual installments, to commence at the end of four years. July 17. July 29.

While the Continental Congress was thus busy with the common interests, the local conventions and committees were by no means idle. In Massachusetts, agreeably to the advice given by Congress, a House of Representatives was presently chosen, as if under the charter, and an election for counselors was had as usual, the members of the last-chosen council being present to vote. July 19. By the terms of the charter, in the absence of the governor and lieutenant governor, the executive authority

CHAPTER devolved on the council. Those offices being considered
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as vacant, that authority was assumed by the council ;
 1775. and under this system the government went on till the adoption of a Constitution five years afterward. In place of the various committees of correspondence, safety, and inspection, hitherto existing in the several towns, a single executive committee was authorized, to combine all those powers.

The democratic charter governments of Rhode Island and Connecticut, as they placed the management of affairs in officers chosen directly by the people, required no change. Under the administration of the firm and energetic Trumbull, Connecticut took a foremost stand. Nor was Rhode Island wanting, though the extent of her coast exposed her greatly to maritime depredations, and made it necessary to raise a regiment, in addition to those before Boston, for local defense.

Wentworth, governor of New Hampshire, having lost all control over that province, shut himself up in the fort at Portsmouth, whereupon his house was pillaged
 July. by a mob. He prorogued the Assembly, now in session for the last time, and presently retired to Boston for safety, leaving the political control of the province in the hands of the Provincial Congress and the local committees.

June 25. About the time that Washington passed through New York on his way to Boston, Governor Tryon returned from England ; and the same escort of honor which the Provincial Congress ordered for the continental commander-in-chief was ordered also for the royal governor. In spite of the efforts of the Congress to prevent it, the city corporation presented to Tryon a loyal address.

Immediately after the seizure of Ticonderoga and Crown Point, Allen and Arnold had written to Congress,

urging an advance upon Canada, where there were only two British regiments, about eight hundred strong. This ^{CHAPTER XXXI.} seemed, at first, too much like taking the offensive; the 1775. New York Provincial Congress had expressly disclaimed any intention to make war on Canada. Soon, however, a different policy prevailed. To the four regiments which the Congress of New York had undertaken to raise, a fifth was added of Green Mountain Boys. Including these regiments, one of which was commanded by M'Dougall, and another by James Clinton, brother of George Clinton, five thousand men were voted by the Continental Congress, nominally for the defense of New York, but really for the invasion of Canada. A separate northern military department was established, the command of which was given to Schuyler. Wooster, with his troops at Harlem, was ordered to Albany.

Sears was presently sent at midnight to remove the Aug 22. guns on the battery at the southern point of the city of New York. Some shots fired at a boat from the Asia, a ship of war which lay in the harbor, were answered with a broadside, which killed three of Sears's party. Among those engaged in this affair was Alexander Hamilton. A native of Nevis, in the West Indies, a youth of eighteen, for a year or two past a student in King's College, he had made himself quite conspicuous among the patriots by some able essays in the newspapers, and a few months after, through the interest of M'Dougall, notwithstanding his extreme youth, was appointed captain of a company of artillery.

Having issued \$112,000 in bills of credit, to be redeemed by taxes in two years, the New York Congress adjourned for a month, leaving the management of affairs Sept with a Committee of Safety. An unsuccessful attempt was made by that committee to disarm the people of Long

CHAPTER and Staten Islands, many of whom refused to sign the
 XXXI Association. These recusants were encouraged by Try-

1775. on, who presently became so obnoxious that he found it necessary to retire on board the Asia.

Oct. 3. The Provincial Congress of New Jersey made additional provisions for organizing the militia, and appointed Philemon Dickinson and William Livingston generals to command it. They also proceeded, at the request of the Continental Congress, to enlist two regular battalions. The command of one was given to Maxwell, that of the other to Alexander, a leading person in the colony, a member of the council, known by courtesy as Lord Stirling, in consequence of a claim he had set up to a vacant Scotch peerage. To pay the expenses thus incurred, £30,000 were issued in provincial bills.

July 28. The Maryland Convention, having reassembled, drew up an Association to be signed by all the freemen, appointed committees of safety and correspondence, issued paper money, organized the militia, and collected military stores.

An attempt to break into the colonial magazine of arms at Williamsburg, in which a person was wounded
 June 8. by a spring-gun, which the governor had caused to be secretly placed there, occasioned quite a tumult, and Dunmore took refuge in a ship of war in the river. The Burgesses, in session to consider Lord North's conciliatory proposition, after vainly entreating the governor's return, declined to continue any official intercourse with him, and adjourned by their own authority, having first protested their true allegiance to the king and earnest attachment to the British connection.

July 17. The royal government thus at an end, delegates from the several counties met at Richmond, organized themselves into a Convention, and passed ordinances for em-

bodying the militia as minute men, for enlisting two regular regiments, of which Henry and Woodford were chosen colonels, and for issuing treasury notes on the credit of certain taxes imposed by the same ordinance, to be appropriated partly for the expenses now incurred, and partly to discharge unsettled accounts growing out of the late Indian war. Independent companies were also authorized for the defense of the frontiers. As in the other provinces, a Committee of Safety, appointed by the Convention, assumed the executive authority.

Governor Martin, of North Carolina, alarmed at the progress of the Association in that province, had first fortified his house at Newbern, and then retired to the fort at the mouth of Cape Fear River. When a body of militia approached the fort, he abandoned that also, and took refuge on board a ship of war in the river. The associators followed up their advantage with energy. They disarmed their opponents, and confined as prisoners on their plantations those whose influence was most dreaded. The Continental Congress, to sustain their cause in North Carolina, where Tories were so numerous, voted to furnish support for a thousand men. On the strength of this engagement, a new Convention met at Hillsborough and voted two regiments, of which Howe and Moore were appointed colonels. A proclamation forbidding their meeting, which Martin issued from on shipboard, was denounced by the Convention as "a scandalous, malicious, and scurrilous libel, tending to disunite the good people of the province," and they ordered it to be burned by the common hangman. A third regiment was presently authorized, of which Francis Nash was appointed colonel.

The Provincial Congress of South Carolina, at a second session, adopted an Association, drawn up by Henry Laurens, their president. They appointed a Committee

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of Safety, issued \$600,000 of paper money, and voted to raise two regiments, of which Gadsden and Moultrie were chosen colonels. Lieutenant-governor Bull was utterly powerless to prevent or interrupt these proceedings. While the Convention was still in session, Lord William Campbell, who had acquired by marriage large possessions in the province, arrived at Charleston with a commission as governor. Received with courtesy, he presently summoned an Assembly; but that body declined to proceed to business, and soon adjourned on its own authority. The Committee of Safety pursued with energy measures for putting the province in a state of defense. A good deal of resistance was made to the Association, especially in the back counties. Persuasion failing, force was used; and by the energy and activity of William Henry Drayton, in an armed progress through the back settlements, the disaffected were compelled to stipulate neutrality. Drayton was a nephew of Lieutenant-governor Bull, a young lawyer, whose charges to the grand juries on colonial rights, during a temporary occupation some ten months before, by his uncle's favor, of a seat on the bench, had contributed not a little to stir up the spirit of opposition. A vessel was fitted out by the Committee of Safety, which seized an English powder ship off St. Augustine and brought her into Charleston. Moultrie was presently sent to take possession of the fort in Charleston harbor. No resistance was made. The small garrison, in expectation of the visit, had already retired on board the ships of war in the harbor. Lord Campbell, the governor, accused of secret negotiations with the Cherokees and the disaffected in the back counties, was soon obliged to seek the same shelter. A regiment of artillery was voted; and measures were taken for fortifying the harbor, from which the British ships were soon expelled.

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The flame, also, had spread into Georgia, beyond the power of Governor Wright to quench it. The powder magazine at Savannah was despoiled of its stores. A meeting at Savannah appointed a Council of Safety, of which William Cawin was president. A new Provincial Convention met, and Georgia, hitherto "the defective link in the American chain," adopted the American Association, and appointed as delegates to the Continental Congress, Lyman Hall, already there from St. John's Parish, Archibald Bullock, Dr. Jones, John Houston, and the Rev. Dr. Zubly, a Swiss by birth, minister of the Presbyterian church at Savannah. A powder ship which had arrived at the mouth of the river was seized, and a part of its contents forwarded to the camp before Boston. Sir James Wright issued proclamations, but his power was gone. Stuart, the agent for the Southern Indians, sought safety at St. Augustine.

Lord North's conciliatory proposition, recommended to the attention of Congress by the Assemblies of Pennsylvania, New Jersey, and Virginia, had been referred to a committee, and with it an informal paper, handed to a member of Congress by a gentleman, who said it had been drawn up, at the minister's desire, by an official of the British treasury, and that he had received it from Lord North himself. This paper strongly urged the acceptance of Lord North's proposition as being the best which, in the present temper of the British nation, the ministry could propose. The committee, however, after some delay, made a report, which Congress accepted and ordered to be published, in which the unsatisfactory character and unsafe vagueness of the ministerial offer were elaborately exposed. Having ordered funds to be forwarded to Massachusetts and New York for the payment and support of the troops, Congress took a short recess

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The domineering spirit of the British ministry and nation on the one hand, the ardor of resistance to the exercise by the mother country of the taxing power on the other, brought to a focus by the attempt to coerce Massachusetts, and kindled into a blaze by the Lexington fight, had precipitated a contest, the length, the sacrifices, the labors, the costs of which none at that time at all foresaw. The ministry hoped to awe the colonies into speedy submission. The colonial leaders, looking only at the bright side of their prospects, flattered themselves that one or two campaigns would finish the war, and, whether the connection with Great Britain continued or not, would secure on a firm foundation the rights of the colonies. This confidence, as appeared by the result, was somewhat excessive; yet, deficient as the colonists were in arms, money, and military organization, the nature of their country and the character of the population placed almost insuperable obstacles in the way of their subjection by force. The settlements extended for a thousand miles along the Atlantic, and from a hundred to two hundred miles inland. This extensive territory, for the most part rugged, intersected by swamps and rivers, covered with woods, and highly defensible, was inhabited by an agricultural population, not collected in towns and cities, but scattered in farms and plantations, nowhere presenting any vital points of attack. The only towns of any considerable size were Boston, Newport, New York, Philadelphia, Norfolk, and Charleston; and of these, the three largest scarcely contained twenty thousand inhabitants each, while neither of the others reached half that number. It was not difficult for the British troops to obtain possession of these towns. It was easy, also, to march through, and even to reduce to temporary subjection those portions of the

southern colonies in which slaves were numerous, and where the level surface and ease of water communication facilitated military movements.' Fortunately for America, the first collision had occurred with the yeomanry of New England, freeholders who fought for their farms and firesides, simple in their habits, inured to toil, but intelligent, not without education, and full of the spirit and energy of freemen. . A similar yeomanry, though less homogeneous, less intelligent, and less energetic, formed, in the middle colonies, the bulk of the inhabitants. Even in the south, except in the tide-water counties, where cultivation was carried on by slaves, the population, though still less intelligent and less energetic, yet partook, to a great degree, of the same general character. Such a population, in such a country, if tolerably united, it was next to impossible to subdue by force.

In the midst of these commotions, far off in the western woods, by some of these same hardy yeomen an embryo state began to be formed. Richard Henderson, a North Carolina lawyer and speculator, elevated from very humble life by his own energy and talent, had been induced, by reports of the fertile region on the banks of the Lower Kentucky, to purchase from the Cherokees, for a few wagon loads of goods, the tract between the rivers Kentucky and Cumberland. Others joined him in the proprietorship; and the adventurous Boone, who had been present at the treaty, was soon afterward sent to mark out a road and to commence a settlement. Though he encountered several parties of hostile Indians, Boone persevered in the enterprise, and built a palisaded fort or "station" at *Boonesborough*, the first permanent English lodgment within the limits of the present state of Kentucky. Harrod, an equally bold backwoodsman, founded *Harrodsburg* about the same time.

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- Regardless of a proclamation issued by Dunmore previous to his flight from Williamsburg, denouncing Henderson's purchase as illegal and void, and offering the western lands for sale under authority of the crown, delegates from Boonesborough, Harrodsburg, and two other settlements presently met at Boonesborough, and organized themselves as the Assembly of TRANSYLVANIA. Henderson presided on behalf of the proprietaries. A compact was entered into between the proprietaries and the settlers. Courts and a militia were organized, and laws were enacted—among other purposes, for preserving game, and punishing profane swearing and Sabbath breaking.
- Sept. 25. The proprietaries of Transylvania presently held a meeting at Oxford, in Granville county, North Carolina, and appointed James Hogg as a delegate to the Continental Congress at Philadelphia. Hogg proceeded thither; but, though he was favorably received by several of the members, the claim of Virginia to that country, as being within her charter, proved an obstacle to the recognition of the new colony.

About the same time, a not less adventurous party set out from Connecticut to colonize the banks of the Lower Mississippi. After eleven years' solicitation in England, greatly broken in mind and body, General Lyman, agent of the "Military Adventurers," as they called themselves, had at last obtained a grant in the province of West Florida. He proceeded to Natchez, laid out a number of townships in that vicinity, and was presently followed by four hundred families from Connecticut, who descended, in the space of six weeks, from the head of the Ohio. The state of feeling in Connecticut heightened the disposition of these Loyalist emigrants to seek homes elsewhere. They were destined, however, to great sufferings.

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THIRTEEN UNITED COLONIES. CAMP BEFORE BOSTON.
CONTINENTAL NAVY. INVASION OF CANADA. RE-EN-
LISTMENT OF THE ARMY. PROCEEDINGS OF PARLIA-
MENT. AFFAIRS OF NEW YORK AND THE SOUTH.

ON the reassembly of the Continental Congress, the Georgia delegates having taken their seats, the style was assumed of THE THIRTEEN UNITED COLONIES. CHAPTER XXXII.
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One of the first subjects to be considered was the alarming scarcity of ammunition and military stores. Washington had found, in the camp before Boston, scarcely nine rounds of powder to a man. Active operations were completely paralyzed by this deficiency. A council of war, called to consider the expediency of an attack on Boston, advised against it. Sept. 5.
Sept. 8.

Besides measures entered into by the public at large with great zeal for promoting the discovery of lead mines and the manufacture of saltpeter, a secret committee of Congress was instituted to import powder and lead from the West Indies. The non-importation agreement was also suspended in favor of all vessels bringing powder and warlike stores. Some of the powder seized by the South Carolinians was presently forwarded to Washington's camp. Sept. 14.

Dr. Church, the head of the hospital department, was detected, soon after his appointment, in a secret correspondence with Gage. Its extent or object did not clearly appear; but as Church was known to be very much involved in his pecuniary circumstances, the worst was



CHAPTER XXXII. suspected. Tried by a court martial, he was found guilty of "criminal correspondence with the enemy." In 1775, spite of a very ingenious defense before the bar of the Oct. 3. Massachusetts House of Representatives, of which he was Oct. 27. a member, he was expelled; and presently, by order of Congress, was confined a close prisoner in Connecticut, being debarred the use of pen, ink, and paper. After an imprisonment of several months, his health failing, he was suffered to embark for the West Indies; but the vessel in which he sailed was never afterward heard of. Church was succeeded at the head of the army medical department by Dr. John Morgan, a professor in the medical school of Philadelphia, of which, indeed, he had been one of the founders.

A constant alarm was kept up by British cruisers which hovered on the coast of New England, and landed occasionally to obtain supplies. Lieutenant Mowatt, who commanded one of these cruisers, chased a vessel from the West Indies into Gloucester harbor. The boats sent to take her being repulsed by the townspeople, Mowatt Aug. 13. fired upon the town, and attempted to land. But he was again repulsed, with the loss of his boats, and thirty-five men taken prisoners. Narraganset Bay was much annoyed by a squadron of British cruisers, and Bristol Oct. 7. was bombarded to frighten the inhabitants into furnishing a supply of provisions. Mowatt was presently sent to Falmouth (now Portland), where, a few months before, the loading of a royal mast ship had been obstructed, and Mowatt himself arrested and treated with some rudeness. On the refusal of the inhabitants to give up their arms, after allowing two hours for the removal of Oct. 18. the women and children, a bombardment was commenced, and that rising town of five hundred houses was presently in flames. The townspeople, not to be so fright-

ened, stood to their arms, and defeated Mowatt's attempt to land. Such useless outrages did but exasperate feelings already sufficiently inflamed. CHAPTER XXXII
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It was not long before the colonists tried their hands also at maritime warfare. Rhode Island, Massachusetts, and Connecticut equipped each an armed vessel or two. In Massachusetts a law was passed to authorize and encourage the fitting out of privateers, and a court was established for the trial and condemnation of prizes. Maryland, Virginia, and South Carolina each had their navy boards and armed vessels, and so did Pennsylvania for the defense of the Delaware. Five or six armed vessels, fitted out by Washington, cruised to intercept the supplies received at Boston by sea. Most of the officers of these vessels proved incompetent, and the men mutinous; but Captain Manly, of the schooner *Lee*, furnished a brilliant exception. In the midst of storms he kept the hazardous station of Massachusetts Bay, and, among other prizes, captured an ordnance brig laden with heavy guns, mortars, and working tools—a most acceptable supply to the Continental army. Nov. 10.

Under instructions from the Assembly of Rhode Island, the delegates of that colony called the attention of the Continental Congress to the subject of a navy. A Marine Committee was appointed, and four armed vessels were ordered to be fitted out at continental expense. All ships of war employed in harassing the colonies, and all vessels bringing supplies to the British forces, were declared lawful prize. Privateering was authorized, and the colonies were requested to establish courts for the trial of captures, reserving an appeal to Congress. Rules and Regulations for the Navy were adopted; and the Naval Committee were presently empowered to fit out thirteen frigates, of from twenty-four to thirty-two guns. Nov. 25
Dec 13

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The exposed condition of Rhode Island, and the presence of a British squadron in Narraganset Bay, encouraged the partisans of the mother country, of whom there were many in Newport. A large number of the merchants in all the chief commercial towns of the colonies were openly hostile, or but coldly inclined to the common cause. In Newport a jealousy was felt of Providence, as aspiring to become the capital. The authorities of Rhode Island asked troops from the camp before Boston, but Washington was not able to spare any. General Lee, sent to Newport to advise about throwing up fortifications, called the principal persons among the disaffected before him, and obliged them to take a tremendous oath to support the authority of Congress. The Assembly met shortly after, and passed an act, subjecting to death, with confiscation of property, all who should hold intelligence with, or assist the British ships. But, to save Newport from destruction, it presently became necessary to permit a certain stated supply to be furnished from that town.

The clergy and the seigneurs of Canada, well satisfied with the late Quebec Act, were inclined to sustain the British authority; but some partisans of the American cause were hoped for among the cultivators and citizens, as well as among the immigrants since the conquest. The body of the Canadian people, notwithstanding a proclamation of martial law, paid very little attention to Governor Carleton's loud calls upon them to arm for the defense of the province. At the head of Waterbury's Connecticut regiment, and of four small New York companies, Schuyler descended the lake in boats, and entered the Sorel. Failing in an attack upon St. John's, where was a garrison of five or six hundred men, the principal regular force in Canada, he returned sick and

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anxious to the rear to hasten up men and supplies. CHAPTER XXXII.
Montgomery, left in command, was soon joined by Warner's regiment of Green Mountain Boys, by some New Hampshire rangers, by additional detachments of the New York regiments, by numbers of Canadians, under Livingston, of Chambly, and finally by Wooster. Meanwhile, he renewed the siege of St. John's; but such was the insubordination of his troops, who obliged him to change his plan of attack, that he was strongly tempted to resign in disgust. Ethan Allen, who had been detached with Warner to the banks of the St. Lawrence, was taken prisoner in a wild attempt to surprise Mont-
real. He experienced very hard usage, being carried to England in irons, as rather a leader of banditti than a prisoner of war. A detachment sent against Chambly was more successful. That post, on the Sorel, below St. John's, was surprised and taken the very day of Allen's capture; and a seasonable supply of ammunition was obtained there, which enabled the siege of St. John's to be vigorously pushed. For the relief of that important post, Governor Carleton exerted himself to raise the Canadian militia; but, in attempting to cross from the island of Montreal to the south bank of the St. Lawrence, he was repulsed by the advanced division of Montgomery's forces. Another party of Canadian militia from the neighborhood of Quebec, marching up the Sorel, was driven down that river to its junction with the St. Lawrence, at which point the Americans established a post and erected batteries. Relief thus cut off, the garrison of St. John's presently surrendered as prisoners of war; After which Montgomery pushed forward to Montreal, a town at that time of but two or three thousand inhabitants, open, and without fortifications. Carleton passed down the river in a fast-sailing boat, and escaped to

CHAPTER XXXII. Quebec. General Prescott and the feeble garrison were intercepted at the Sorel, and taken prisoners.

1775. With the woolens found at Montreal the American
Nov. 12. general was enabled to clothe his troops, of which they stood in great need. A regiment of Canadians was organized under Colonel Livingston; but Montgomery encountered great discouragements in the lateness of the season and the insubordination of his soldiers, of whom many, disgusted with the hardships of the service, deserted and returned home. Still he pushed on for Quebec, in expectation of meeting there a co-operating force.

When obliged to give up the command of Ticonderoga to Hinman, Arnold had behaved with a good deal of insubordination; had disbanded his men, and returned in disgust to the camp before Boston. There, however, he presently obtained employment in an enterprise suggested some time before by Brewer, colonel of one of the
Sept. Massachusetts regiments. Detached with eleven hundred men, including a company of artillery and Morgan's Virginia riflemen, to co-operate with the northern army against Quebec, Arnold ascended in boats to the head of the Kennebec, and, guided in part by the journal of a British officer who had passed over that route some fifteen years before, struck across the wilderness to the head streams of the Chaudière, down which he descended toward the capital of Canada. In crossing these uninhabited wilds the troops suffered severely, and the rear division, discouraged and short of provisions, turned about and gave over the enterprise. With the other divisions Arnold persevered; and, after a six weeks' struggle, a few days before Montgomery entered Montreal, he reached the south bank of the St. Lawrence, opposite Quebec. He was kindly received by the Canadian peasantry, and his sudden appearance caused the

greatest alarm. Quebec had but two hundred regular troops. There was a good deal of discontent among the inhabitants. Could Arnold have crossed at once, he might, perhaps, in the absence of Carleton, have got possession of the city. But, on some intimation of his approach, the boats had all been removed or destroyed, and some days elapsed before he could collect birch-bark canoes in which to cross. Meanwhile Carleton made his appearance, having escaped down the river from Montreal. He sent all the non-combatants out of the city; organized the traders and others into military companies; landed the sailors; and, with his force thus increased to near twelve hundred men, put the town into a complete state of defense. Two armed vessels were stationed in the river to intercept Arnold; but he crossed in the night; and, ascending the same rugged precipices which Wolfe had climbed before him, drew up his forces on the Plains of Abraham. His little army, hardly six hundred and fifty effective men, approached the city; but the garrison did not come out to meet him; and, as he had no means to undertake a siege, he retired some twenty miles up the river to wait for Montgomery, to whom he sent Burr, serving with him as a volunteer.

Leaving Wooster in command at Montreal, Montgomery advanced down the river; but all his Connecticut troops became entitled to their discharge on the tenth of December, and his ranks were so thinned by desertions and the detachments he was obliged to leave behind him, that, when he joined Arnold, their united force did not exceed a thousand men. They returned, however, to Quebec, and opened batteries against it; but their artillery, only a few field pieces, was too light to take any effect. The works were extensive; some weak point might perhaps be found; an assault was resolved upon

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as the last desperate chance. While a snow-storm was waited for to cover the movement, deserters carried into the town information of what was intended. To distract the enemy's attention, two feints were made against the upper town. It was against two opposite sides of the lower town that the real attacks were directed, the one led by Montgomery, the other by Arnold. Some rockets, thrown up as a signal, being seen by the enemy, prevented a surprise. As the New York troops approached the first barrier, the enemy fled, first discharging a cannon, which swept away the head of the American column, the general himself falling dead into the arms of the youthful Burr, whom he had appointed one of his aids. Discouraged by the loss of their leader, this division abandoned the attack. Arnold, on his side, pushed through the northern suburb, and approached a two-gun battery, the advanced post of the enemy in that direction. While cheering on his men, the bone of his leg was shattered by a musket ball. He was borne from the field; but Morgan, at the head of his riflemen, made a rush at the battery, carried it, and took the guard prisoners. Morgan had no guide; the morning was dark; totally ignorant of the situation of the town, he came to a halt. He was joined by some fragments of other companies, and, when the day dawned, found himself at the head of some two hundred men, who eagerly demanded to be led against the second barrier, a few paces in front, but concealed from sight by a turn in the street. Morgan gave the order, and his men advanced and planted their ladders; but those who mounted saw on the other side a double hedge of bayonets ready to receive them, while a fire, at the same time, was opened by parties of the enemy relieved from duty elsewhere by the failure of the other attack, and sent out of the gates to take them in

the rear. Exposed in a narrow street to an incessant fire, Morgan's ranks were soon thinned. His men threw themselves into the store-houses on each side of the way; but, overpowered by numbers, benumbed with cold, their muskets rendered unserviceable by the snow, they were obliged to surrender. Not less than four hundred men were lost in this unlucky assault, of whom three hundred became prisoners. Arnold retired with the remnant of his troops three miles up the river, and, covering his camp with ramparts of frozen snow, kept up the blockade of Quebec through the winter.

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While these operations were carried on in Canada, the term of service of the troops before Boston was rapidly approaching its termination. The time of the Connecticut and Rhode Island regiments expired early in December. None of the troops were engaged for a longer period than the first of April.

A committee from Philadelphia had visited the camp, and, in consultation with Washington, and with committees from the New England colonies, had agreed upon a plan, presently sanctioned by Congress, for the reorganization of the besieging army. It was to consist, according to this plan, of twenty-six regiments, besides riflemen and artillery: Massachusetts to furnish sixteen, Connecticut five, New Hampshire three, and Rhode Island two—in all, about twenty thousand men; the officers to be selected by Washington out of those already in service, willing and qualified to act. But this was a business much easier to plan than to execute. The selection of officers was a most delicate and embarrassing matter, in which not qualifications only, but provincial and personal prejudices had to be consulted, for not a man would enlist till he knew the officers under whom he was to serve. Even then, enlistments,

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though only for a year, were obtained with difficulty. The first effervescence of patriotism was over. The barracks were cold and comfortless, and the supply of fuel scanty. A short experience of military life had damped the ardor of many. All the new recruits required a furlough to visit their families. Those who did not re-enlist refused to serve a moment beyond their time. One or two of the Connecticut regiments marched off some days beforehand. The camp was in danger of being left bare, and, to supply the deficiency in the Continental regiments, five thousand militia had to be called in, who answered much better than Washington had feared.

Surrounded with difficulties, the commander-in-chief exhibited a fortitude, assiduity, discrimination, and patience absolutely essential for the station which he held, and amply vindicating the judgment of Congress. In his private correspondence he could not wholly suppress his feelings. He complained bitterly of "an egregious want of public spirit," and of "fertility in all the low arts of obtaining advantage."

Yet at least one striking instance of disinterestedness was displayed. In arranging the new regiments, Colonel Asa Whitcombe, an officer of merit, who had served in the late French war, was left out on account of his advanced age. His men took offense at it, and refused to re-enlist, when the colonel set them an example by himself enlisting as a private soldier. Such magnanimity did not pass unacknowledged. One of the other colonels gave up his regiment, to which Whitcombe was appointed, and Washington noticed his conduct with particular approbation in general orders.

Age, in a measure, disqualified Gridley, who had hitherto commanded the artillery. That arm was in a

very defective state. An equivalent for Gridley's half pay on the British establishment was secured to him by Congress, and the command of the artillery, with the rank of colonel, was given to Knox, late a Boston book-binder, who visited Ticonderoga, selected cannon there, and, with the help of the pieces captured by Manly, soon placed that department on a better footing.

According to an arrangement recommended by a committee of Congress sent to consult with Schuyler, the northern army was to consist of nine, increased presently to eleven battalions, two to be recruited out of the troops already in that service, two to be enlisted in Canada, two from Pennsylvania, and one each from New Hampshire, Massachusetts, Connecticut, New York, and New Jersey.

Besides the regiments included in these two armies, Congress had already taken into colonial pay the three regiments of South Carolina, presently increased to five, the three regiments of North Carolina, to which three more were soon afterward added, and the two regiments of Virginia, increased first to six, and then to nine. Virginia and Maryland had been called upon for additional riflemen, sufficient to make up a regiment. Delaware had been called upon for one regiment, Pennsylvania for six, New Jersey for two, New York for four, and Georgia for one. Two of the regiments from Pennsylvania, one from New Jersey, and three from New York, were to serve in Schuyler's army. Among the Pennsylvania colonels were Magaw, who commanded the battalion of riflemen, St. Clair, Irving, Wayne, and De Haas. A third New Jersey regiment, and two others presently raised in Rhode Island for local defense, were subsequently taken into Continental pay.

A proclamation having been issued in the name of

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CHAPTER the king, declaring the colonies in a state of rebellion,
 XXXII and threatening with punishment all who should aid or
 1775. abet them, Congress also proclaimed their resolution to
 Dec. 6. retort upon the supporters of the ministry any severities
 which might be inflicted upon their friends and parti-
 sans.

A secret committee, of which Franklin was chairman
 for corresponding with the friends of the colonies in Brit-
 Nov. 29. ain, Ireland, and elsewhere, constituted the first rudiment
 of a state department. A correspondence was immediately
 opened by this committee with Arthur Lee and C. W. F. Dumas.
 Arthur Lee, a brother of Richard Henry Lee, resided in London
 as a barrister, and had taken a warm interest in American
 affairs, having acted as agent for Virginia, and, after Franklin's
 departure, for Massachusetts also. Dumas, a Swiss, but long
 resident in Holland, where Franklin had become acquainted
 with him during a visit to that country, proved a faithful
 and assiduous agent.

Nov 21. Already three additional millions in continental bills
 of credit had been ordered to be issued, to be apportioned
 like the former three millions, and to be redeemed in four
 annual installments, to commence at the end of eight
 years.

Meanwhile, on the other side of the water, a strenuous
 opposition continued to be made by the mercantile interest,
 and especially by the corporation of London, to the coercive
 policy adopted by the ministers. Lord Effingham and the
 eldest son of Lord Chatham took the unusual but honorable
 course of resigning their commissions in the army rather
 than to be obliged to serve in so unnatural a struggle.

Oglethorpe, founder of Georgia, now the senior general
 in the British service, having declined the proffered

command in chief, it was given, after Gage's recall, to General Howe, younger brother of that Lord Howe who fell in the attack on Ticonderoga, and who himself had commanded the light infantry in Wolfe's famous battle on the Plains of Abraham. 1775.

In the debate on the address, in reply to the speech from the throne at the opening of Parliament, the conduct of the ministry was severely canvassed. They lost the support of General Conway and the Duke of Grafton, both of whom resigned their places and went over to the opposition. Lord George Germaine was appointed secretary for the colonies, but Dartmouth still adhered to the ministry, and received another office. In spite of a few defections, Lord North was still sustained by a powerful majority, and Parliament promptly voted twenty-five thousand men to be employed in America. As it was difficult to obtain enlistments in Great Britain, Hanoverian troops were hired to garrison the fortresses in the Mediterranean, in order to set free an equivalent number of British soldiers for service in America. This employment of foreign mercenaries was very much stigmatized by the opposition; but the same policy was presently carried much further. In the course of the session, treaties were laid before Parliament, by which the Duke of Brunswick and the Landgrave of Hesse-Cassel agreed to hire out seventeen thousand of their subjects to serve as mercenaries in America. The employment of German troops had been suggested by Lord Howe, who expressed, in his correspondence with the ministry, a great dislike of Irish Catholic soldiers as not at all to be depended on. These treaties, after violent debates, were sanctioned by Parliament, and the necessary funds were voted. The forces to be employed in America were thus raised to upward of forty thousand men.

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- The petition of the Continental Congress to the king, intrusted to the care of Richard Penn, had been presented through Lord Dartmouth, who informed Penn that no answer would be given. Examined as a witness before the House of Lords, Penn expressed a positive opinion that no designs of independency had been formed by Congress; and as he had been lately a resident at Philadelphia, and was personally acquainted with many of the members, his opinion seemed entitled to great weight. But the ministry, at this very time, were in possession of letters written by John Adams, and intercepted at the Newport ferry, which looked very much the other way. On the strength of Penn's testimony, the Duke of Richmond moved that the petition of Congress, which had been laid before Parliament along with other papers relating to the colonies, might be made the basis of a conciliation with America; but after a warm debate this motion was rejected. In the House of Commons, Burke introduced a bill repealing the offensive acts, and granting an amnesty as to the past, thus waving the points in dispute. This bill, though supported by one of Burke's ablest speeches, was rejected by a majority of two to one. A similar movement, made shortly after by Hartley, on the part of the other section of the opposition, shared a similar fate.
- Dec. 21. The ministry, on their part, carried a bill prohibiting all trade with the thirteen rebel colonies, and declaring their ships and goods, and those of all persons trafficking with them, lawful prize. A section of this act, deemed in America excessively cruel, authorized the impressment, for service in the royal navy, of the crews of all captured colonial vessels. Another section provided for the appointment of commissioners by the crown, with authority to grant pardon and exception from the penal-

ties of this act to such colonies or individuals as might, CHAPTER
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by speedy submission, seem to merit that favor.

Besides a corps of "Royal Fencible Americans," three 1775.
companies of "Loyal American Associators" had been organized at Boston, under the command of Ruggles. Gage, Howe, and the ministry were all satisfied that Boston was not a point from which operations could be advantageously carried on, and, but for the deficiency of shipping, it would have been evacuated before the setting in of winter. Abundant supplies had been sent from England at very great expense, but many ships were wrecked, and others were captured; and the British troops felt the want, during the winter, of fuel and fresh provisions. Fuel was supplied by pulling down houses. To diminish the consumption of provisions, numbers of the poorer people were sent out of the town. The troops on Bunker Hill, remaining under canvas the whole winter, suffered severely from the cold. The British officers amused themselves as they could. Faneuil Hall became a theater. The Old South, the largest meeting-house in the town, was turned into a riding school.

Informed by his spies that preparations were making in Boston for sending off a squadron, Washington's attention was turned to New York. The Committee of Safety for that province were not thought to act with much energy. The city and the neighboring districts were full of those who refused to sign the Association, and with whom Tryon, from on board the *Asia*, kept up a constant communication. Rivington's Gazette, the government paper in New York, had long been a thorn in the side of the patriots. More than once already the publisher had been called on, and obliged to promise less freedom in his strictures; but of late he had grown bolder, and more offensive than ever. The Committee

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CHAPTER XXXII. of Safety having declined to interfere, Sears, on behalf
 1775. of the "Sons of Liberty," proceeded to Connecticut, mustered there a party of seventy-five light horse, and, after calling several suspected Tories to account on his way to the city, entered New York at noon, drew up his men before Rivington's office, and, amid the cheers
 Nov. 25. of an assembled crowd, broke his press, and carried off the type. The party, on their return to New Haven, were welcomed back by salvos of cannon. Of those not sorry for the destruction of the press, many did not like this interference from abroad. When the new Provincial Congress presently met, a petition was presented complaining of the outrage on Rivington by rioters from Connecticut. Thus urged, the New York Congress made a representation on the subject to the Continental Congress and to Governor Trumbull, who was requested, at least, to send back the types. Richmond and Queen's county had refused to elect delegates to the new Provincial Congress, and the machinations of Tryon continued to excite a good deal of alarm.

As there were no Continental troops at New York, and the local militia was not much to be relied upon, the agency of Sears and the authority of Governor Trumbull were employed to raise in Connecticut a body of volunteers for the defense of that city. General
 1776. Lee was ordered thither by Washington to take the
 Jan. command. A list of "delinquents" who had voted against sending members to the Provincial Congress having been published, the Continental Congress ordered that they should be put out of the protection of the United Colonies, and that all trade and intercourse with them should cease. Under their orders, also, Colonel Heard, with a regiment of New Jersey minute men, joined by some of Stirling's regulars, proceeded to dis-

arm the Long Island Tories, and to arrest some of the principal delinquents. Tryon threatened a bombardment in case the Connecticut troops entered the city. 1776. The Provincial Congress begged Lee to forbear; but he persisted in sending forward his volunteers; and a committee of the Continental Congress supported his plans, and agreed with him on a scheme of fortifications. He was soon joined by Lord Stirling's New Jersey regiment. But neither Lee, nor Stirling, who succeeded to the command on Lee's removal to the South, could stop the communication with the British ships. Tryon kept up a constant correspondence with his adherents. He even had spies in Philadelphia, who gave him accurate information, in spite of the injunction of secrecy, of all the doings of Congress.

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Nor was it only in the city of New York and its environs that the Loyalists were formidable. Thirty miles northwest of Albany, on the extreme frontier of the province, at Johnstown and the neighborhood, was a colony of Scotch Highlanders, established there by Sir William Johnson, whose son and heir, Sir John Johnson, as well as Guy Johnson, the new Indian agent, both adhered to the British rule. The whole district west of the Schoharie had been erected two or three years before into the new county of Tryon. There were firm Whigs among the inhabitants, but many Tories also; and Schuyler found it necessary to send a detachment from Albany to disarm the Johnsons and the Highlanders, and to compel them to give hostages. Guy Johnson had already retired to Canada, drawing after him most of the Mohawks, who were received into British pay and service. Sir John Johnson gave his parole to Schuyler not to take up arms against America. But he presently fell again under suspicion, and a party being sent to ar-

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May.

CHAPTER rest him, he fled to Canada, where he was commissioned
XXXII as colonel, and raised from among his tenants and others

1776. two battalions of "Royal Greens," well known afterward, and not a little dreaded, on the frontiers of New York. The celebrated chief, Brant, who had been educated in Wheelock's school, served Guy Johnson as secretary, and was very active on the British side.

1775. Lord Dunmore, after his departure from Williams-
Sept. burg, being joined by several British armed vessels in the Chesapeake, began to threaten Lower Virginia. The settlers west of the Laurel Ridge had met at Pittsburg, had agreed to support the American Association, and had chosen delegates to the Virginia Convention. Dunmore, however, not without hopes of making some impression in that quarter, gave to Conolly, formerly his agent in that region, a lieutenant colonel's commission, and sent him to visit Gage at Boston. After his return, Conolly proceeded up the Chesapeake, landed near its head, and set off with several companions on his way across the mountains, in hopes, by his personal influence with the western settlers, to raise a regiment, and, in conjunction with some regulars from Detroit, to operate against the back part of Virginia. It was even said to be a part of his plan to stimulate the Indians to hostilities. But
Nov. the whole scheme was cut short by Conolly's arrest at Fredericton, in Maryland, whence he and his companions were sent prisoners to Philadelphia.

Meanwhile Dunmore landed at Norfolk, and seized and carried off a printing press, on which he printed a proclamation, which he dispersed abroad, declaring martial law, calling upon all persons able to bear arms to join him, and offering freedom to all slaves and indentured servants of rebels who would enlist under his banner. Having drawn together a considerable force, Dunmore

ascended Elizabeth River to the Great Bridge, the only CHAPTER XXXII. pass by which Norfolk can be approached from the land side; dispersed some North Carolina militia collected there; made several prisoners; and then, descending the river, took possession of Norfolk. The rise of that town Nov. 23. had been very rapid. Within a short time past it had become the principal shipping port of Virginia. Its population amounted to several thousands, among whom were many Scotch traders not well disposed to the American cause.

Fugitive slaves and others began now to flock to Dunmore's standard. A movement was made in his favor on the east shore of Maryland, which it required a thousand militia to suppress. The Convention of Virginia, not a little alarmed, voted four additional regiments, afterward increased to seven, all of which were presently taken into continental pay. Among the colonels of the new regiments were Mercer, Stephen, and Muhlenberg, the latter a clergyman, who laid aside the surplice to put on a uniform. The Committee of Safety were authorized to imprison all persons guilty of taking up arms against the colony, and to appropriate the produce of their estates to the public service. Woodford, with the second Virginia regiment, took possession of the causeway leading to the Great Bridge, which was still held by Dunmore's troops. An attempt to dislodge the Virginians having failed with loss, Dunmore Dec. 2 abandoned the bridge and the town, and again embarked. Norfolk was immediately occupied by Woodford, who was promptly joined by Howe's regiment from North Carolina.

After a descent on the eastern shore of Virginia, to 1776 whose aid marched two companies of Maryland minute Jan. men, Dunmore, re-enforced by the arrival of a British

CHAPTER frigate, bombarded Norfolk. A party also landed and set
 XXXII it on fire. The town was mostly built of wood, and that

1776. part of it nearest the water was rapidly consumed. The part which escaped was presently burned by the provincials, to prevent it from becoming a shelter to the enemy. Thus perished, a prey to civil war, the largest and richest of the rising towns of Virginia. Dunmore continued, during the whole summer, a predatory warfare along the rivers, of which his naval superiority gave him the command, burning houses and plundering plantations, from which he carried off upward of a thousand slaves. He was constantly changing his place to elude attack; but watched, pursued, and harassed, he finally found it necessary to retire to St. Augustine with his adherents and his plunder.

The squadron from Boston, which had alarmed Washington for the safety of New York, was destined, in fact, for the coast of Carolina. General Clinton was on board with a small body of troops. Clinton, like Howe, was not wholly disconnected with America, being an offshoot of that Lincoln family so intimately associated with the early history of Massachusetts. His father, also, had been governor of New York. After touching at New York, where he arrived the same day with General Lee, Feb. having held a conference with Tryon, who had formerly been governor of North Carolina, Clinton sailed again for that coast. Governor Martin, aware of his approach, and anticipating aid also from an armament to be dispatched from Ireland, had kept up a constant intercourse with the Regulators, and especially with the Scotch Highlanders, settled in great numbers in the southern counties. He had given commissions, as general and colonel, to two recent immigrants, officers of the British army, leading persons of the clans M'Donald and M'Leod,

whose members were numerous in North Carolina. In the settlements about Cross Creek (now Fayetteville), and among the Regulators in the more northern counties, 1776.

McDonald enlisted some fifteen hundred men, with whom he attempted to reach the coast. Informed of this movement, Moore marched from Wilmington with his regiment and some detachments of militia, amounting in the whole to about a thousand men. When the two parties had approached within four miles of each other, McDonald sent a letter to Moore, requiring him to join the royal standard, under pain of being treated as an enemy. Moore, who was hourly expecting re-enforcements, politely declined, but promised a more explicit answer the next day. Accordingly, the next day, he sent to McDonald, requiring him to sign the Association agreed upon by the North Carolina Congress. Without returning any answer, McDonald marched hastily off toward the coast. Moore sent one detachment to Cross Creek, to cut off his retreat in that direction, and another to join and re-enforce Caswell, who was marching from Newbern with the militia of that district, and who presently took post at Moore's Creek Bridge, about sixteen miles from Wilmington. With the rest of his troops, to which considerable accessions had been made, Moore marched in pursuit. To reach Wilmington, McDonald must cross Moore's Creek Bridge. Finding it occupied by Caswell, he ordered an attack. McLeod advanced bravely at the head of the column; but, at the first fire, he fell, pierced with twenty balls, and his followers, seized with a sudden panic, fled in the greatest disorder. Moore was just behind; and not less than eight hundred and fifty of the Loyalists were made prisoners. The common men were disarmed and dismissed; McDonald and his officers were detained, and presently were sent northward for safe keeping.

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Feb.

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The North Carolina Congress ordered four more regiments to be raised, and the Highlanders and Regulators to be disarmed. The defeat of M'Donald disconcerted the plans of Martin and Clinton, whose force was not large enough to effect any thing without local support. The troops expected from Ireland met with great delays, and did not arrive till two months afterward.

Jan. 20. Sir James Wright had called together the Assembly of Georgia at the beginning of the year; but, instead of paying any attention to his communications, they proceeded to choose an executive council, of which Archibald Bullock was appointed president. Wright was made a

Feb. 14. prisoner in his own house, but forfeited his parole by escaping on board one of the ships of war below Savannah. To guard against these ships, half the militia were called out under M'Intosh; but this call did not muster more than three hundred men. The whole provincial militia were about five thousand; but many of the inhabitants were disaffected, especially the wealthier planters, who were very little pleased with the non-exportation agreement. Re-enforced by a detachment from Charleston, M'Intosh undertook to dismantle a number of vessels which lay in the river loading with rice and other produce. The ships of war came up to their assistance, and a sharp skirmish ensued. Some of the vessels were burned, and others stopped; but the ships of war carried off most of the rice. Meanwhile, a provincial regiment was authorized, of which M'Intosh was appointed colonel; but he had little hope of many recruits short of North Carolina.

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RECOVERY OF BOSTON. AMERICAN ARMY DRIVEN OUT OF CANADA. DEFENSE OF CHARLESTON. DECLARATION OF INDEPENDENCE.

BY great efforts and unwearied assiduity, Washington had brought the army before Boston into a tolerable state of organization, and he was now exceedingly anxious to expel the British. While their attention was distracted by a cannonade from several advanced batteries on the eminences of Cambridge nearest to Boston, taking advantage of a dark night, he sent a strong detachment to occupy Dorchester (now South Boston) Heights, an elevation corresponding on the south to Breed's Hill on the north, and overlooking and commanding Boston, both the harbor and the town. During the night a strong redoubt was thrown up, from which the provincials must be dislodged, or the town be abandoned. Preparations for attack were immediately made; but a violent storm delayed the embarkation; and the works in the mean time were so strengthened, that the recollection of Bunker Hill left but little hope of successful assault. Had Howe made an attack, it was Washington's plan to embark four thousand men in boats in Charles River, and to land in the town. CHAPTER XXXIII. 1776. March 4.

An indirect communication was presently opened with Washington through the selectmen of Boston, and it was tacitly understood that the town should be left uninjured on condition that the parting troops were not harassed. These troops amounted to seven thousand men, besides

CHAPTER two thousand sailors and marines, and a thousand or
XXXIII fifteen hundred Loyalists, who fled with the retreating

1776. army. Many of these unfortunate persons abandoned large properties, leaving their homes with no other means of subsistence than the rations allowed them from the army stores. Eleven days were employed in the embarkation. All the cloths that could be found in the town were carried off by the British, and pains were taken to destroy salt, molasses, and other articles. The departing fleet of a hundred and fifty vessels lay for some days in Nantasket Roads. So soon as the evacuation of the town was ascertained, Washington, at the head of several regiments, entered in triumph. The townspeople, such of them as had remained, released from a tedious and irksome restraint, received him with every demonstration of joy, while numerous fugitives, scattered through the country during the British occupation, many of them dependent on charity for support, now regained their homes and employments. To commemorate the recovery of Boston, Congress ordered a medal to be struck.

March 2.

The British troops sailed for Halifax; but as Washington could not tell what their actual destination might be, he hastened off the main body of the army for New York, which he expected would become the next point of attack. Extensive fortifications were commenced at Boston, where five regiments were left under General Ward. That officer speedily resigned his commission; but he continued to take an active part in public affairs as a member of the Massachusetts Council, and afterward as a delegate to Congress. Rhode Island was guarded by two regiments raised in that colony, and presently taken into Continental pay.

May 8. Some six weeks after the evacuation of Boston, a Brit-

ish squadron, with a number of transports, ignorant of CHAPTER
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that event, arrived, and anchored in Nantasket Roads, below the town. They were soon driven out by the troops and the militia; and the population volunteered to complete the unfinished fortifications. Three other transports, with Lieutenant-colonel Campbell and two hundred and fifty men, which entered the harbor a few days after, were captured, and the soldiers made prisoners. 1776.

Increasing expenses had obliged the issue of four additional millions of Continental paper, one million of which was in bills of less denomination than one dollar. A Standing Committee was appointed to superintend the treasury, of which the accounts were becoming complicated. An auditor general, with clerks and assistants, was presently appointed, to act under this committee, of which Gerry, now a delegate from Massachusetts, was an active member, and generally its chairman. Such were the rudiments of the present treasury department. Feb. 17 April 1.

The Marine Committee, by active exertions and at great expense, had fitted out a squadron of eight vessels, which sailed on a cruise under Commodore Hopkins. Feb. The scarcity of powder still continued, though several powder mills had been established in the neighborhood of Philadelphia, as well as manufactories of arms and foundries for cannon. In hopes to obtain a supply of this essential article, Hopkins made a descent on New Providence. He took the governor and some other prisoners, and carried off a quantity of military stores, but failed of the powder. After engaging a British ship of war, which he suffered to escape, he returned to Newport, much to the disgust of Congress, by whom an inquiry was ordered into his conduct.

The vacancy occasioned by the non-acceptance of Pomeroy was filled by the appointment of Colonel Frye; March

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but he soon resigned, as did John Whitcombe, promoted to the same rank of brigadier, an old officer, like Frye 1776. a colonel in the French war. Arnold was made a brigadier for his gallant conduct at Quebec. Two new military departments, the Southern and the Middle, were established, and six new brigadiers, Armstrong, Thompson, Lewis, Moore, Stirling, and Howe, were commissioned from the middle and southern colonies. The same rank was also conferred on the Baron de Woedtke, a foreign officer, who disappointed the hopes of Congress by turning out a miserable drunkard. Wooster's conduct had not given satisfaction, and Thomas, promoted to the rank of major general, was sent to supersede him. Wooster resigned in consequence; not, however, till he had obtained an inquiry into his conduct, and a favorable report. Generals Thompson and Sullivan were also ordered to the northern department. Great efforts were made to enlist and equip the regiments designed to re-enforce the northern army—a business which met with many discouragements and delays, not alone from the difficulty of enlisting the men, but from the still greater difficulty of supplying them with arms. Dr. Franklin, with Chase, May 30. and Charles Carroll, of Maryland, appointed by Congress commissioners to Canada to conciliate the favor and goodwill of the inhabitants, proceeded to Montreal, accompanied by Carroll's brother, a Jesuit, afterward first Catholic archbishop of the United States. After the evacuation of Boston, ten regiments were sent to re-enforce the northern army.

A total and final separation from the mother country began, meanwhile, to be publicly discussed. That idea encountered strenuous opposition, but was every where making rapid progress. After two applications from the Convention of New Hampshire for advice as to the form

of government to be adopted in that province, the Continental Congress had recommended to call a "full and free representation of the people," and if, upon consultation, it should seem necessary, "to establish such a form of government as in their judgment will best produce the happiness of the people, and most effectually secure peace and good order in the province during the maintenance of the present dispute between Great Britain and the colonies." Similar advice upon a similar application was given to South Carolina, and shortly after to Virginia.

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1775.

Nov. 3.

Nov. 4.
Dec. 4.

This advice seemed a little startling to the Assembly of Pennsylvania, and, on occasion of re-electing their delegates to Congress, they strictly enjoined them "to dissent from, and utterly reject any proposition, should such be made, that may cause or lead to a separation from our mother country, or a change of the form of this government." To the Assembly of New Jersey, in session at the same time, Governor Franklin complained of the open avowal of sentiments tending to a separation from Great Britain, and of the appearance of essays in the newspapers favorable to that "horrid measure." Several petitions against independency were presented to the Assembly, and the petitioners being called up and examined, declared their apprehension that such a design was in progress. The House replied to the governor, "We know of no sentiments of independency that are, by men of any consequence, openly avowed, nor do we approve of any essays tending to encourage such a measure." They resolved that the reports of independency were, in their apprehension, "groundless;" but, at the same time, they voted instructions to their delegates in Congress the same with those just given in Pennsylvania. A new and separate petition to the king was

Nov. 9.

Nov. 28

Dec. 8

CHAPTER XXXIII even proposed, a measure from which they were only dissuaded by the earnest efforts of Dickinson, Jay, and 1775. Wythe, sent as a committee from Congress, and admitted to address the Assembly..

1776 The Convention of Maryland provided for the defense
Jan. 1. of that colony by ordering the enlistment of seven independent companies and one battalion, of which William Smallwood, a member of the Convention, was chosen colonel. The lieutenant colonel was Mordecai Gist, afterward a brigadier general. But, while thus raising
Jan. 12. troops, instructions were given, at the same time, to the Maryland delegates in Congress to entertain no proposition of independency without the previous consent and approbation of the Convention.

No little excitement was produced by the publication in Philadelphia about this time of "Common Sense," a pamphlet by Thomas Paine, a recent emigrant from England, and editor of the Pennsylvania Magazine. This pamphlet, written at the suggestion of Benjamin Rush, a young physician and ardent patriot, argued, in that plain and convincing style for which Paine was so distinguished, the folly of any longer attempting to keep up the British connection, and the absolute necessity of a final and formal separation. Pitched exactly to the popular tone, it had a wide circulation throughout the colonies, and gave a powerful impulse to the cause of independence.

Jan. 5. A Provincial Convention in New Hampshire, elected in conformity to the advice of Congress, assumed the character of a House of Representatives, and proceeded to elect a council composed of twelve members, distributed among the several counties. This council, which chose its own president, and constituted the second branch of the Legislature, was in future, like the House of Rep-

representatives, to be annually elected by the people. While in session, this legislative body acted also as supreme executive; at other times that authority was exercised by a Committee of Safety, at the head of which was the president of the council. Nothing was said in the frame of government about a judiciary, but the Assembly constituted a Supreme Court and County Courts much on the model of the colonial judiciary. Meshech Weare, one of the justices of the Supreme Court, an unambitious but honest and most worthy man, was chosen president of the council and chief justice, offices which he continued to fill, to the general satisfaction, till the end of the war. This arrangement was expressly declared to be temporary, to continue only while the dispute with the mother country lasted. Such was the first example set of "assumption of government," a proceeding not agreed to without a protest on the part of several timid members, who thought that a small colony like New Hampshire ought to have waited for the previous action of New York and Virginia, larger provinces, whose political predicament was similar to hers.

With the opening of spring, re-enforcements were sent on from Montreal, and the siege of Quebec was renewed. But the northern army was surrounded with difficulties. Moses Hazen, a half-pay lieutenant in the British army, formerly a captain of Rangers under Wolfe, and distinguished as a partisan, had accepted a commission as colonel of the second Canadian regiment, but he found it difficult to fill the ranks. The Canadians would not take the Continental paper money; the supply of specie was very scanty; and, small as the army was, it was difficult to feed it. Upon the unexpected appearance of some British ships in the river, the besieging army, under Thomas, retreated to Sorel in a good deal

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1776

Mar 6

CHAPTER XXXIII. of confusion. The new troops suffered terribly from the small-pox, of which disorder Thomas soon died. A post 1776. at the Cédars, above Montreal, garrisoned by four hundred men, disgracefully surrendered to a party composed principally of Canadians and Indians; and a hundred men more were lost in an attempt to recover it. To save these prisoners from being murdered by the Indians—so it was alleged, but the British denied it—Arnold, who commanded at Montreal, signed a cartel of exchange, by which it was agreed to release as many prisoners in the hands of the Americans. But Congress refused to ratify this agreement; and this refusal presently became a serious obstacle in the way of any regular exchange of prisoners.

As the spring advanced, several British and German regiments began to arrive in the St. Lawrence. They made their rendezvous on both sides of the river, about half way from Quebec to Montreal. Sullivan, who had just assumed the chief command, very anxious to do something brilliant, sent Thompson with two thousand men, including St. Clair's, Wayne's, and Irving's regiments, to surprise one of these divisions. This attack was repulsed with a loss of two hundred and thirty in killed and prisoners, including among the latter Thompson himself and Colonel Irving. Wayne was badly wounded. Pressed by the superior force of the enemy, raised by successive arrivals to thirteen thousand men, the northern army retreated out of Canada, in the emphatic words of John Adams, "disgraced, defeated, discontented, dispirited, diseased, undisciplined, eaten up with vermin, no clothes, beds, blankets, nor medicines, and no victuals but salt pork and flour," and a scanty supply of that. The retreat was rapid, but well conducted and without loss. Chambly, Montreal, and St.

John's passed back again into the hands of the British. ^{CHAPTER XXXIII}
 The American army retired up Lake Champlain to Crown Point. Hazen's regiment accompanied the re- 1776.
 treating army, and continued to serve under the same commander to the end of the war. Carleton was presently rewarded for the recovery of Canada by the Order of the Bath, while Sullivan received the thanks of Congress for his prudent retreat. Shortly after the army reached Crown Point, Gates, who had been made a major general with that view, arrived and assumed the command.

Partisans of the American cause were more numerous in Nova Scotia than in Canada. They had formerly petitioned Congress, and had recently opened a communication with Washington. The distance, isolation, and weakness of Nova Scotia made assistance impracticable; but more than once, at subsequent periods, Massachusetts was solicited to aid in revolutionizing that province.

The Convention of South Carolina, acting on the advice of Congress, and following the example of New Hampshire, resolved itself into an Assembly, and chose March 24 from its own body a legislative council of thirteen members. By the concurring vote of this council and Assembly, John Rutledge was chosen president, and Henry Laurens vice-president. Of an executive council of six members, over which the vice-president was to preside as an ex-officio seventh member, three were chosen by the legislative council and three by the Assembly. A judiciary was also organized, William Henry Drayton being appointed chief justice. Such was the temporary form of government adopted in South Carolina, to last during the war. Though the three regiments already authorized were far from full, two new regiments of ri-

CHAPTER XXXIII. ~~flansen~~ were ordered to be raised. A new batch of paper money was also issued to pay expenses, of the amount 1776, of which the Germans and others in the back counties began loudly to complain.

- The British squadron from Ireland, destined to operate against the Carolinas, arrived, after great delays, at Cape Fear, where Martin and Clinton, with his detachment from Boston, were still waiting for it. It consisted of ten ships of war under Sir Peter Parker, and had seven regiments on board, of which Clinton assumed the command. All hope of co-operation from the interior of North Carolina being dissipated by the defeat of M'Donald, it was resolved to attack Charleston. Lee, then commanding in Virginia, had obtained information of this Southern enterprise, through a package of intercepted letters addressed to Eden and other royal governors; and several regiments of Virginia and North Carolina had in consequence marched for the South. Joined to the South Carolina regiments and the militia, they made up a force of near six thousand men; but Lee esteemed the prospect of a successful resistance by no means very promising. After considerable delay at Cape Fear, the British fleet appeared off the harbor of Charleston, but before the final attack was made three weeks elapsed, busily employed by the provincials in throwing up fortifications. The entrance to Charleston harbor was guarded by an unfinished fort on Sullivan's Island, in which Moultrie was stationed with his regiment. The British plan was, while part of the fleet bombarded in front, and the remainder gained a station to rake the ramparts from end to end, to land troops to attack the fort in the rear. Three of the British vessels, while attempting to gain a raking position, became entangled among shoals, and grounded. Those in front, received with a very

warm cannonade, were obliged to retire with severe damage and loss. The naval attack having failed, the attempt to land was not persevered in. One of the grounded vessels stuck fast, and the next day was abandoned and set on fire. Lord Campbell, the ex-governor, who fought as a volunteer on board the flag ship, was mortally wounded. Without making any further attempt, the squadron sailed to join the main British army, which had arrived in the Bay of New York on the very day of the attack on Fort Moultrie. 1776

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Dunmore's ravages in Virginia and the Tory insurrection in North Carolina gave a strong impulse to the idea of independence in the southern provinces, while the evacuation of Boston greatly strengthened the friends of that measure in the north. The Continental Congress had taken a new step in that direction by declaring all British vessels whatever lawful prize. March 23

This was presently followed up by regulations on the subject of trade, by which the American Association was so modified as to allow the export of produce to all countries not under the dominion of Great Britain, and a free trade in all goods not of British origin, except in slaves, the importation of which was still prohibited. It was recommended, at the same time, to the colonial Assemblies and Conventions, to make proper regulations for the entry and clearance of vessels. Silas Deane had been already dispatched to France by the Secret Committee as a commercial and diplomatic agent. April 6.

Though urgently requested by the Committee of Observation and Inspection for the city of Philadelphia, the Assembly of Pennsylvania refused, by a large majority, to recall their instructions to their delegates. Schemes, in consequence, began to be entered into for setting aside the proprietary government. The North Carolina Con- April 21

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vention authorized their delegates to join with the other colonies in declaring independence. The Assemblies of 1776. Rhode Island and Connecticut indicated their inclination by dispensing with the oath of allegiance to the king.
May 6.
May 7.

Encouraged by symptoms every where apparent, Congress, on the motion of John Adams, adopted a resolution, recommending to the Assemblies and Conventions of the colonies, in all cases where it had not already been done, to establish governments adequate to their exigencies. Before this resolution was promulgated, the Convention of Virginia appointed a committee to draw up a Bill of Rights and a Frame of Government. At the same time, the Virginia delegates in Congress were instructed to propose in that body a declaration of independence. That very day Congress had voted, by way of preamble to their resolution above recited, that "all oaths for the support of government under the crown of Great Britain were irreconcilable with reason and good conscience; and that the exercise of every kind of authority under that crown ought to be totally suppressed, and all the powers of government exerted, under authority from the people of the colonies, for the maintenance of internal peace, and the defense of their lives, liberties, and properties against the hostile invasions and cruel depredations of their enemies."

Steps were taken in Philadelphia to carry out this recommendation. The Pennsylvania Assembly met a few days after, but a public meeting protested against their proceeding to business; nor was it without difficulty that they obtained a quorum.
May 20.

In Maryland the resolution did not meet with full response. The Convention voted, on the contrary, that it was *not* necessary to suppress every exercise of author-
May 21.

ity under the crown. They had dispensed, indeed, with the oath of allegiance; but they censured severely an attempt to arrest Governor Eden, made by the Baltimore committee, at Lee's urgent request, without stopping to consult the provincial Council of Safety. As Congress had repeated Lee's recommendation, Eden had been put on his parole; but a committee reported that, in his correspondence with the ministry, he did not appear to have acted in a hostile character. This report was accepted; but, at the same time, it was voted to signify to him that the public safety and quiet made it necessary for him to leave the province.

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1776.

May 15.

May 21.

At the annual election in Massachusetts, the voters were requested to instruct their representatives on the subject of independence, and these instructions were unanimous in its favor.

May 30.

The subject, at length, was formally introduced into Congress by Richard Henry Lee, who moved, at the request of his colleagues, and in obedience to the instructions of the Virginia Convention, "that the United Colonies are, and ought to be, free and independent states, and that their political connection with Great Britain is, and ought to be, dissolved." Debated the next day in Committee of the Whole, this resolution was sustained by the mover, by Wythe, his colleague, and very earnestly by John Adams. It was opposed by John Dickinson, by his colleague Wilson, by Robert R. Livingston, of New York, and Edward Rutledge, of South Carolina, not as bad or improper in itself, but as premature. Of this important debate, which, like all the other proceedings of the Continental Congress, took place with closed doors, we possess only the merest outline. Several members besides those named, distinguished then and afterward for good service to their country, opposed the resolution. It passed by a bare majority, seven states to six. The

June 7.

June 8.

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delegations of Pennsylvania, New Jersey, and Maryland were expressly instructed against it. Those from New York, Delaware, and South Carolina, as yet without instructions or clear intimation of the opinions of their respective provinces, were unwilling to assume the responsibility of so decided a step.

The Reverend Dr. Zubly, one of the Georgia delegates, much alarmed at what was going on, was presently accused by Chase of Maryland of having violated the injunction of secrecy by sending letters to Governor Wright, whose flight was not yet known in Philadelphia. Zubly denied the charge; but his sudden departure seemed to confirm the accusation, and his colleague, Houston, was sent in pursuit of him.

To give time for greater unanimity, the subject was postponed till the first of July; but, meanwhile, a committee was appointed, consisting of Jefferson, John Adams, Franklin, Sherman, and Robert R. Livingston, to prepare a formal declaration of independence. Two other committees were appointed at the same time: one to draw up a plan of confederation; the other to prepare a scheme of the terms proper for foreign alliances.

June 12. A Board of War was also established, consisting of five members of Congress, with a secretary and clerks, the first rudiments of a War Department. John Adams, selected for the important post of chairman of this committee, presently resigned the office of chief justice of Massachusetts, to which he had been lately appointed. His successor in that office was William Cushing, the only one of the late judges who adhered to the popular side, and who seemed to have a sort of hereditary claim to the office, it having been held by his father and grandfather. Adams's position at the head of the War Department gave him full insight into the details of af-

airs, and he complained, like Washington, of "corruption even in this infant age of our republic," and of a "predominating avarice which threatened the ruin of America." The golden age of pure, disinterested patriotism is much like all other golden ages; that which seems to be such at a distance will hardly bear a close inspection.

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1776.

The new form of government for Virginia being hastily completed, Patrick Henry was chosen governor under it, partly in compensation for the slight he had experienced in being passed over in the nomination of continental brigadiers. Of the details of this new government, an account will be found in a subsequent chapter.

June 12

The Provincial Congress of New York having recalled Jay from Philadelphia to inform them more particularly of the state of affairs, asked of their constituents express instruction on the question of independence, and also as to assumption of government. The people of the counties were requested to recall such members of the Provincial Congress as they saw fit, and to appoint new ones; and the Congress, thus reorganized and instructed, was to open on the ninth of July. The Assemblies of New Hampshire and Connecticut unanimously instructed their delegates in Congress to concur in the declaration. The Assembly of Pennsylvania, under the heavy pressure of public opinion, rescinded their instructions. A "Provincial Conference" presently met, sanctioned the declaration of independence, and made arrangements for a convention to frame a new government.

June 8.

June 18

The Provincial Congress of New Jersey, somewhat unexpectedly, appointed a new set of delegates, with authority to vote for independence. Governor Franklin had been made a prisoner in his own house, and placed upon parole by Stirling, some months before; but, as he

Jan. 10.

CHAPTER XXXIII. persisted in corresponding with the enemy, he was again arrested, and sent a prisoner to Connecticut, where he 1776. was subjected to a pretty rigid confinement.

Through the efforts of Chase in calling county conventions, a change had also taken place in Maryland; June 28. and the same day that the British fleet was so gallantly repulsed in its attack upon Charleston, the Maryland Convention empowered its delegates in Congress "to concur with the other United Colonies, or a majority of them, in declaring the said colonies free and independent states." That same day, the committee appointed to draft it reported to Congress a Declaration of Independence. July 1. The subject being resumed in Committee of the Whole, nine colonies voted for the declaration. New York declined to vote, as no instructions were yet received; Delaware was divided; the delegation of Pennsylvania stood three for and four against it; that of South Carolina, one for and three against it.

July 4. When the question came up for final action, Dickinson and Robert Morris, who had voted in the negative, absented themselves. Cæsar Rodney, from Delaware, decided the vote of that province in the affirmative. The vote of South Carolina was also given the same way. New York still declined to vote.

The draft of a declaration, prepared by Jefferson, and reported by the committee, was then taken up. Not to disgust the friends of America in Great Britain, it was agreed to strike out several paragraphs especially severe upon the British government. An emphatic denunciation of the slave trade, and a charge against the king of having prostituted his negative for the defeat of all legislative attempts to prohibit or restrain "that execrable traffic," was also omitted. It would have been going a little too far to ask Georgia to vote for that clause. Thus

amended, the declaration was adopted, and signed by CHAPTER XXXIII.
most of the members present.

The new Provincial Congress of New York, which 1776.
met a few days after at White Plains, with authority July 9.
to form a government, gave their sanction to the Decla-
ration, which thus became the unanimous act of the
Thirteen UNITED STATES. It was presently ordered to
be engrossed on parchment, and was subsequently signed
by all the delegates then present, including several who Aug. 2
were not members at the time of its adoption.

A State Convention assembled at Philadelphia took July 15.
the government of Pennsylvania into its own hands. The
Assembly, indeed, continued to meet, but no quorum
could be obtained; and that old colonial Legislature ex-
pired at length in the utterance of a vain protest against Sept.
the new system. Dickinson, Andrew Allen, late chief
justice of Pennsylvania, and others who had opposed the
Declaration, were recalled from Congress. Dickinson,
who had hitherto exerted a great influence, experienced
a sudden and total prostration. Alsop, of New York,
resigned his seat in disgust. Some others, also active
hitherto in the colonial cause, now drew back. William
Allen, a brother of Andrew, threw up his commission of
lieutenant colonel in the Continental army; but the ex-
ample was not followed.

In the position of that considerable class of persons
who had remained in doubt, the Declaration of Inde-
pendence and the assumption of state government made
a decided change. It was now necessary to choose one
side or the other. Very serious, too, was the change in
the legal position of the class known as Tories, in many
of the states a very large minority, and in all respect-
able for wealth and social position. Of those thus stig-
matized, some were inclined to favor the utmost claims

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of the mother country ; but the greater part, though determined to adhere to the British connection, yet deprecated the policy which had brought on so fatal a quarrel. This loyal minority, especially its more conspicuous members, as the warmth of political feeling increased, had been exposed to the violence of mobs, and to all sorts of personal indignities, in which private malice, or a wanton and insolent spirit of mischief, had been too often gratified under the disguise of patriotism. The barbarous and disgraceful practice of tarring and feathering, and carting Tories—placing them in a cart, and carrying them about as a sort of spectacle—had become, in some places, a favorite amusement. To restrain these outrages, always to be apprehended in times of tumult and revolution, Congress had specially committed the oversight of Tories and suspected persons to the regularly appointed committees of inspection and observation for the several counties and districts. But even these committees were not always very judicious or discriminating in the exercise of the despotic powers implied in that delicate trust.

June 18.

By the recent political changes, Tories and suspected persons became exposed to dangers from the law as well as from mobs. Having boldly seized the reins of government, the new state authorities claimed the allegiance of all residents within their limits ; and, under the lead and recommendation of Congress, those who refused to acknowledge their authority, or who adhered to their enemies, were exposed to severe penalties, confiscation of property, imprisonment, banishment, and, finally, death. Among the first acts of the Pennsylvania Convention was an ordinance for disarming non-associators, and another for the punishment of treason. The new governments, however, were slow in resorting to extreme meas-

ures; the most obnoxious Tories had already emigrated; and, for the present, the new authorities contented themselves with imprisonments, fines, recognizances to keep the peace; and prohibitions to go beyond certain limits. To many of the more ardent leaders this leniency appeared dangerous. "Can we subsist," wrote Hawley to Gerry, "did any state ever subsist, without exterminating traitors? It is amazingly wonderful that, having no capital punishment for our intestine enemies, we have not been utterly ruined before now."

The committee of one from each state, on the terms of confederation and the powers of Congress, soon reported a plan in twenty articles. That report, of which eighty copies were printed—the printers as well as the secretary being put under an oath of secrecy not to disclose the contents or furnish copies to any body—was presently debated in Committee of the Whole, and, after warm discussions as to the equal vote of the states, and whether, in fixing the ratio of taxation, slaves should or should not be included in the count of population, the plan was amended and reported back to the House. But the serious differences of opinion which had been developed, and the intervention of other more pressing business, prevented any further action during the current year. Two additional issues of paper money had been found necessary, each of five millions of dollars. So long, indeed, as these issues kept Congress in funds, that very command of money gave an authority which any articles of confederation would rather tend to restrict than to amplify.

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July 17.

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DEFENSE OF NEW YORK. NAVAL OPERATIONS ON LAKE CHAMPLAIN. LOSS OF NEW YORK. RETREAT THROUGH THE JERSEYS. NEWPORT OCCUPIED BY THE BRITISH. CHEROKEE WAR. KENTUCKY.

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IN no part of the confederacy was the British party more numerous or influential than in the city of 1776. New York and its environs. Both for that reason, and because of its fitness as a central point for military operations, it was expected that the main efforts of the enemy would soon be directed thither.

April 28. Having assumed the command in that city, Washington had issued a proclamation strictly prohibiting all intercourse with the enemy's shipping. But to break up the communication between ex-governor Tryon and his friends was no easy matter. The mayor of the city, detected in a correspondence with Tryon, was thrown into prison. A plot was even discovered for seizing the American commander-in-chief, and conveying him on board one of the British ships. This scheme was to have been accomplished through the agency of some of the soldiers of Washington's guard, corrupted for the purpose, one of whom was tried and shot for his participation in this affair.

Including the troops found at New York, Washington's whole army, exclusive of the regiments left in garrison at Boston or sent to the northern department, did not exceed eight thousand men, very imperfectly equipped and scantily provided. To supply this deficiency,

Congress had called for thirteen thousand eight hundred militia from New England, New York, and New Jersey, and for ten thousand more from Pennsylvania, Delaware, and Maryland, these last designed to constitute "a flying camp" for the protection of New Jersey. Washington gave the command of this camp to Mercer, just promoted to the rank of brigadier general.

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June 3.

Though his opposition to the Declaration of Independence had cost him his popularity, Dickinson did by no means abandon the cause. When the associated Philadelphia militia were ordered to New Jersey to form a part of the flying camp, he marched at the head of his regiment.

While waiting the arrival of these re-enforcements, obstructions were sunk, under Putnam's direction, in the North and East Rivers, and forts and batteries were erected to guard the narrowest passages. Fort Washington, at the northern end of York or Manhattan Island, and Fort Lee, on the opposite Jersey shore, were the strongest of these works; but, with the limited means at Washington's disposal, it was no easy matter to put the city into a satisfactory state of defense.

The proclamation of independence was signalized at New York by destroying a picture of the king which had decorated the City Hall. The king's leaden statue, which stood in the Bowling Green, was also thrown down and run into bullets. This feeling of exultation was, however, far from unanimous. A large number of the wealthier citizens looked on with distrust; and the Episcopal clergy showed their dissatisfaction by shutting up the churches.

The question of independence had been brought forward at a favorable moment. During the discussion, no British troops had a foothold any where in the Thirteen Colonies. Just before the declaration was adopted,

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General Howe made his appearance in the waters of New York with the late garrison of Boston and other troops from Halifax; and, a few days after, he landed on Staten Island, which Washington had not been strong enough to occupy. He was received there with great demonstrations of joy by the Tory inhabitants, who proceeded to embody themselves as a loyal militia. Promises of support were also sent in by the Loyalists of Long Island and New Jersey, and Tryon encouraged the British commander with hopes of an extensive defection.

A few days after the landing of the British army, Admiral Lord Howe arrived from England with large reinforcements. These two brothers, intrusted with the chief military and naval command in America, were commissioned also, under the late act of Parliament, to receive the submission of such communities or individuals as might throw themselves on the king's mercy. A circular declaration to the late royal governors, containing a statement of this commission, and an offer of

pardon to all who would submit, was sent on shore under a flag. It also contained a request to give to this offer as extensive a circulation as possible. As soon as this paper reached Congress, they ordered it to be published in all the newspapers, that the people might see how "the insidious court of Great Britain had endeavored to disarm and amuse them," and that "the few" whom "hopes of moderation and justice on the part of the British government had still kept in suspense" might now at length be convinced "that the valor alone of their country is to save its liberties."

The commissioners presently attempted to open a communication, first with Washington, and afterward with Congress, through the medium of Franklin, whom Lord Howe had known in London; but their unwilling-

ness to recognize the military rank of Washington, or the political existence of Congress, proved obstacles in the way of any such intercourse. CHAPTER
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While New York was threatened with attack on the south, its northern frontier was in no less danger. The American army had retreated out of Canada, extremely disorganized, and in horrible suffering.

The state of their army on that frontier was a cause of great anxiety to Congress and the Board of War. Besides ten regiments already dispatched thither from New York, three of the regiments at Boston were sent in the same direction, and measures were taken for additional enlistments in Connecticut and Massachusetts. A council of war decided that Crown Point was not ten- July 7.
able, and the troops, short of provisions, with no accommodations for the sick, and suffering from a pestilential fever, fell back to Ticonderoga.

Schuyler, in spite of his zeal and undeniable merit, was very unpopular with the New England troops, who still cherished many prejudices against the people of New York; nor was Schuyler himself altogether free from corresponding prejudices against the New Englanders. It was through the influence of the New England delegates in Congress that Gates had been made a major general, and appointed to command the northern army. That army, by retreating out of Canada, had arrived within Schuyler's district. To prevent collision between the two commanders, Congress declared that, by appoint- J. IV. N.
ing Gates, they had no intention to supersede Schuyler; and they recommended to the two generals to carry on the military operations in that quarter with harmony, so as best to promote the public service. The prejudice of the New Englanders against Schuyler caused many reports to his disadvantage. He was even accused of

CHAPTER XXXIV. treachery. He offered to resign; but Congress expressed entire confidence in his patriotism, and refused to allow it. Re-enforcements continued to arrive; but the northern army suffered terribly from the small-pox and camp fever. In the three months since the opening of the campaign, it had lost by death and desertion not less than five thousand men. The whole remaining force hardly exceeded that number, of whom two thousand were on the sick list.

Carleton was at the foot of Lake Champlain with a well-appointed army of thirteen thousand men. By the wise precaution of Sullivan, the retreating Americans had carried off or destroyed all the water craft on the lake, of which, by means of a few armed vessels, they still held the command. As no road existed on either shore, both of which were still an unbroken wilderness, it was only possible for the British to advance by water. Every thing depended, therefore, on the command of the lake; and a vigorous competition was begun in the building of vessels. Arnold's conduct in seizing the goods of the Montreal merchants at the evacuation of that city had subjected him to some discredit; but in war, vigor and courage are of more account than all the social virtues; and Arnold was presently selected by Gates to command the American vessels, for which, indeed, his former experience as a ship-master peculiarly qualified him. Ship-carpenters and naval stores were sent from the New England sea-ports; and, with indefatigable labor and heavy expense, the Americans, in the course of three months, equipped a flotilla of sixteen vessels, very various in size and sort, and manned by soldiers drafted from the army. But in this matter of naval equipment Carleton had greatly the advantage. Besides twenty smaller craft, and a number of armed boats

dragged up the Sorel and over the rapids of Chambly, CHAPTER
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 five vessels, the frames of which had been brought from England, and carried over land from Montreal to St. John's, each larger than the strongest American ship, were soon launched on the lake; and this formidable fleet, manned by seven hundred seamen from the British ships in the St. Lawrence, presently proceeded in quest of Arnold. 1776

Aware of his inferiority, the American commander had chosen a position in advance of Crown Point, between an island and the main shore, where the whole British squadron could not attack him at once. In the engagement which followed, one American vessel was burned and another sunk; the rest, greatly damaged, sailed off by night in hopes to reach Ticonderoga, and to find shelter there under the guns of the fort. But they were pursued, overtaken the next day, and again brought to action near Crown Point. The vessels furthest ahead kept on their course and reached Ticonderoga; of those in the rear, one was taken; and, to save the rest from a similar fate, Arnold ran them on shore and set them on fire. The crews succeeded in escaping to the land. The Americans lost eleven vessels and ninety men. The British had one vessel blown up and two sunk; their loss in men was reported at fifty. Oct. 6

Command of the lake thus secured, Carleton took possession of Crown Point, where he was soon joined by his army. Advanced parties were sent forward as far as Ticonderoga, which Gates held with his whole force, amounting now, by accessions of militia, to eight thousand men. The American works seemed too strong for an assault; it was too late in the season to undertake a siege; and Carleton presently retired down the lake, and put his troops in winter quarters.

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By the departure of the militia and the expiration of the term of service of the regulars, the northern army melted rapidly away. Several regiments which had yet a short time to serve marched under Gates to join Washington, who, by this time, was very hardly pressed. During the winter, Ticonderoga was held by a very slender garrison.

So slowly were the requisitions of Congress complied with, that, a month after the arrival of the Howes, Washington's army did not exceed twenty thousand men, of whom a fifth part were sick, and as many more absent on detached duty. Before active operations commenced, seven thousand additional militia came in, and some further re-enforcements afterward. Lincoln, who had been secretary to the first Provincial Congress of Massachusetts, led the militia of that state. The New York militia, over which the Convention then in session had given Washington full powers, was led by George Clinton.

- April 1. Mifflin, having been promoted to the rank of brigadier, resigned his office of quarter-master general, to which Colonel Stephen Moylan was appointed; but the new quarter-master soon resigned, and Mifflin was persuaded again to resume that important duty. As Washington
- Aug. 9. complained of a deficiency of general officers, Heath, Spencer, Sullivan, and Greene were made major generals. Commissions as brigadiers were given to Read and Nixon of Massachusetts, Parsons of Connecticut, M'Dougall and James Clinton of New York, and St. Clair of Pennsylvania; and the same rank was presently conferred on Stephen of Virginia, Gadsden and Moultrie of South Carolina, M'Intosh of Georgia, Maxwell of New Jersey, and Smallwood of Maryland. Gates's place as adjutant general was supplied by Joseph Reed. Thaddeus Kosciuszko, so distinguished afterward in Poland, en-

tered the service as an engineer, in which capacity he continued to serve during the war. William Palfrey, a Boston merchant, an aid-de-camp to Lee, and afterward to Washington, had been appointed pay-master general. CHAPTER XXXIV. 1776.

Very ill equipped, and with very little discipline, the army was greatly distracted by sectional jealousies. In the regiments from the states south of New England, there was the usual marked distinction between officers and men. The officers were all of the class calling themselves "gentlemen;" the soldiers, for the most part, were a very inferior set. In the New England regiments, on the other hand, a large part of the officers were farmers and the sons of farmers, who hardly pretended to gentility, and, except by the temporary possession of commissions, hardly distinguished from a large proportion of those who served in the ranks. The "gentlemen" of the Middle States turned up their noses at these plebeian officers with as much contempt as had ever been exhibited by the "gentlemen" of the British regiments of the line when called to co-operate with colonial levies. Alexander Graydon, a captain in Shea's Pennsylvania regiment, mentions in his "Memoirs" sitting on a court martial for the trial of a lieutenant in Smallwood's regiment, arrested for disrespect to General Silliman, of the Connecticut militia: "As the majority of the court," says Graydon, "were Southern men, it is not at all wonderful that Stewart was soon acquitted with honor. In so contemptible a light were the New England men regarded, that it was scarcely held possible to conceive a case which could be construed into a reprehensible disrespect of them." Reed, the new adjutant general, shared this feeling to a certain extent, and made himself very unpopular with the Eastern troops. To such a height did these jealousies rise, and so openly

CHAPTER XXXIV. did they exhibit themselves, that Washington felt obliged to reprobate them in general orders.

1776. Meanwhile, by re-enforcements from Europe, including a part of the German mercenaries, to whom were added the forces lately employed against Charleston, and some regiments from Florida and the West Indies, Howe's army, encamped on Staten Island, was raised to twenty-four thousand men.

The obstructions placed by General Putnam, with vast labor and expense, in the Hudson and East Rivers, were not found to answer the purpose intended. In spite of the artillery of Forts Washington and Lee, several British vessels ascended the Hudson. An attempt was made to burn them with fire ships; but, having reconnoitered and taken soundings, they descended again without material injury.

It was, however, by way of Long Island that Howe proposed to approach the city. Washington had expected as much; and a corps of the American army, nine thousand strong, lay at Brooklyn, opposite New York, behind intrenchments thrown up under the direction of Greene. Between this camp and the bay at the southwest corner of Long Island, where the British army presently landed, there stretched a range of thickly-wooded hills, crossed by two roads; a third road followed the shore round the western base of these hills; and a fourth, penetrating inland, turned them on the east. Intrenchments had been thrown up to guard the passes over these hills and around their western base, and troops had been detailed for that service. A severe attack of sickness had obliged Greene to give up the command; Putnam, from his recent transfer to it, was yet imperfectly acquainted with the situation of the works and passes in front of the camp; and in the confusion

and want of discipline which prevailed, the orders to watch and guard those passes were imperfectly obeyed. CHAPTER XXXIV.

Two British columns advancing by night, one by the shore road and the other over the hills, captured or evaded the patrols, forced the defiles without difficulty, and early the next morning came in contact with two American corps, one under Stirling, sent forward by Putnam, on news of the approach of the British, to guard the shore road, the other under Sullivan, who advanced hastily, with such troops as he could collect, to prevent the passage over the hills. Meanwhile, a third British column, led by Clinton, proceeded along the eastern road, which had been left unguarded, turned the hills, and pushed in between Sullivan's corps and the American camp. Driven backward and forward between a double fire, a few of that corps took advantage of the broken and wooded ground to escape; but the greater part were taken prisoners, and Sullivan with them. 1776. Aug. 27.

The corps under Stirling made a steady resistance to the troops in their front, and when Clinton threatened to gain their rear, by great exertions they got back to the camp, not, however, without losing their commander, who was taken prisoner while covering the retreat. For this important victory, in which he lost less than four hundred men, Howe was rewarded by the Order of the Bath. The American loss was never very accurately ascertained; but, besides several hundreds killed or missing, about a thousand remained prisoners in the hands of the enemy. Some five thousand men had been engaged in the battle, principally from New Jersey, Pennsylvania, Delaware, and Maryland. Smallwood's Maryland regiment, forming a part of Stirling's division, behaved with great gallantry, and suffered very severely.

The victorious forces, fifteen thousand strong, en-

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1776. camped directly in front of the American lines, which a vigorous assault might probably have carried. But, with the caution fashionable at that day in military operations, and not diminished by the experiment at Bunker Hill, preparations were made for regular approaches.

Aug. 28. The camp at Brooklyn had been re-enforced; but Washington would not risk the loss of so considerable a part of his army; and, after holding a council of war, he determined to withdraw the troops. The command of the boats was given to Colonel Glover, of Massachusetts, and they were manned with the men of his regiment, mostly fishermen of Marblehead. M'Dougall, who was not without some experience in marine affairs, superintended the

Aug. 29. embarkation, and, in the course of the night, favored by a thick fog, a masterly retreat was effected across the East River. As a consequence of this movement, the whole of Long Island fell into the hands of the British. Woodhull, late president of the Provincial Congress, employed on Long Island, with a small body of militia, in driving off cattle, was surprised the day after the battle by a party of light horse, under Oliver Delancey, wounded after his capture and treated with such cruel neglect that his wounds mortified, and he died in consequence. The Long Island Tories, who had experienced considerable harshness, had now an opportunity to retort on their opponents.

Washington left a considerable force in the city, but his main body was encamped on Harlem Heights, very strong ground toward the northern end of York Island. That all things might be ready for instant retreat, the surplus stores and baggage were sent across Harlem River, on the east side of which, at Morrisania, Washington's head-quarters were established.

It was very desirable, at this moment, to obtain cor-

rect information of the force and position of the British troops at Brooklyn; and at Washington's desire, and the request of Colonel Knowlton, Nathan Hale, a captain in one of the Connecticut regiments, a young man of education and enthusiasm, volunteered on that hazardous service. He crossed to Brooklyn, obtained the necessary information, and was about to return, when he was arrested on some suspicion, and being betrayed by his embarrassment, was carried before General Howe, tried and convicted as a spy, and hanged the next morning.

Two or three days after the battle, in hopes that Congress might now be somewhat mollified, Sullivan was sent with a verbal message, conveying the desire of the Howes to confer with some members of that body, not in their character of members of Congress, but as private gentlemen, with the view of ascertaining if some compromise of the pending dispute were not possible. It was also proposed to exchange Sullivan and Stirling for Generals Prescott and M'Donald, prisoners in the hands of the Americans, to which Congress agreed. To the other proposal, after considerable debate, they replied, that, being the representatives of the independent states of America, they could not consistently send any of their members in a private capacity; but that, being ever desirous of a reasonable peace, they would name a committee to wait upon the Howes, upon whom they could look in what light they pleased. Franklin, John Adams, and Edward Rutledge, appointed on this committee, met the British commissioners on Staten Island; but the conference produced no result. They "were very explicit in their opinion," so Lord Howe wrote to Lord George Germaine, "that the associated colonies could not accede to any peace or alliance but as free and independent states;" and they even undertook to argue

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CHAPTER that the best thing Great Britain could do was to ac-
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1776. Foiled in this movement, the Howes issued a proclamation, in which they declared the intention of the British government to revise the instructions to the royal governors, and all acts of Parliament by which the colonists might think themselves aggrieved; and they called on the people to judge for themselves whether it were not better to rely on this promise, and to return to their allegiance, than to sacrifice themselves to the unjust and precarious cause in which they were engaged.

Measures were also taken for enlisting auxiliaries among the Loyalists. Oliver Delancey, a person of influence, brother of a former governor of New York, and Courtlandt Skinner, late attorney general of New Jersey and speaker of the Assembly, were commissioned as brigadiers, with authority to raise four battalions each, which the able and active Tryon, still claiming to be governor of New York, was to command as major general.

The negotiation with Congress having failed, military operations were presently resumed. British ships ascended on both sides of York Island; a battery was erected on an island near Hell Gate; and, while the attention of the Americans was thus distracted, under cover of the fire of his ships in the Hudson and East Rivers, which

Sept. 15. swept across the whole island, Howe landed near Kipp's Bay, three miles above the city. The troops posted to guard this landing, panic-struck by the late disasters, fled without firing a gun. Two New England brigades, brought up to support them, seized with a like panic, ran away in the most shameful manner, leaving Washington, who had come up to view the ground, exposed to capture within eighty paces of the enemy. Greatly excited at this dastardly conduct, he threw his hat on the

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ground, exclaiming, "Are these the men with whom I am to defend America?" His attendants turned his horse's head, and hurried him from the field. 1776.

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Orders were sent to Putnam, who commanded in the city, to evacuate at once. The retreat was made, of necessity, in a very hasty and disorderly manner; three hundred men fell into the hands of the enemy; the heavy artillery was left behind, with a large quantity of provisions and military stores. It was only by moving rapidly by the Greenwich road, along the western shore, that Putnam escaped at all.

In a skirmish the next day, the Americans behaved better, and repulsed the enemy, not, however, without the loss of Colonel Knowlton, of Connecticut, and one or two other very promising officers.

The British, on entering the city, were received with open arms by their numerous partisans. A few nights after a fire broke out, which spread rapidly, and, before it could be extinguished, Trinity Church and near a third part of the town lay in ruins. It was reported to have been kindled by the "Sons of Liberty," and some persons, seized on this suspicion, were precipitated into the flames by the enraged British soldiers. It would seem, however, to have been accidental, and to have owed its spread to a long and excessive drought.

The Americans still remained intrenched on Harlem Heights, and in this position the armies lay facing each other for several weeks. The sick in the American camp were very numerous; it was impossible to find proper hospitals; and they lay about in almost every barn, stable, shed, and even under the fences and bushes.

The troops were not the only sufferers. Washington was obliged to issue severe orders, to restrain, not merely private soldiers, but even some of the officers, from

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plundering the unfortunate inhabitants of York Island, under pretense that they were Tories.

1776. Not venturing to attack the American camp, Howe

Oct. 12. detached a part of his forces to occupy Throg's Point, on the mainland shore of the Sound. Undeterred by the fire of Forts Washington and Lee, British ships ascended the Hudson, and cut off all supplies from the country south and west of that river. Thus in danger of being shut in on both sides, Washington, under advice of a council of war, extended his forces across King's Bridge. York Island was thus abandoned, except Fort Washington, in which a garrison was left of three thousand men. The army, arranged in four divisions, under Lee, Heath, Sullivan, and Lincoln, by movements to the left, was gradually concentrated in a strongly-fortified camp near White Plains. There was a great deficiency of draught cattle, and the removal of the baggage was not accomplished without very severe labor. The British followed up the

Oct. 28. retreating army, and attacked M'Dougall, who occupied, with sixteen hundred men, a commanding height on the right of the American camp, but separated from it by the River Bronx. The Americans resisted but feebly; and, after a short struggle, in which they lost three or four hundred men, killed and prisoners, they were driven from the hill.

A general engagement now seemed inevitable; but, while Howe delayed, for satisfactory reasons, as Cornwallis afterward testified before the House of Commons, but which political motives made it impossible either for Howe or himself to explain, Washington fortified a still stronger position, two miles in his rear, on the heights of North Castle, into which he unexpectedly withdrew, and in which the British general did not venture to attack him.

Oct. 31. Howe moved, instead, toward King's Bridge. New Jer-

sey seemed to be threatened, and all the troops from the states south of the Hudson were ordered to the west side of that river, whither Washington's head-quarters were also transferred. To avoid the British ships, the American troops were obliged to march as far north as King's Ferry, at the entrance of the Highlands, being thus subjected to a painful circuit of sixty miles. Heath's division was stationed in the Highlands, with orders to throw up additional fortifications for the defense of that important pass. Lee, with the remainder of the New England regiments, was left to guard the east side of the Hudson. The term of the New England militia, which composed no inconsiderable part of the army, was now just about to expire.

Washington was inclined to abandon York Island altogether, by withdrawing the troops left in garrison there. But, in that case, all chance of control over the navigation of the Hudson would be lost—a matter deemed of great importance by Congress, and especially so by the New York Convention. Fort Washington, and the works on Harlem Heights, were held by Magaw's and Shea's Pennsylvania regiments, Rawlins's Maryland riflemen, and some of the militia of the flying camp. Greene, who commanded on the Jersey side, thought the position might be maintained. Before the commander-in-chief was able to make a personal examination, it was unexpectedly assaulted from four different points by as many British columns. The extent of the lines, still unfinished, was altogether too great for the garrison. Colonel Magaw, who commanded, made the best defense he could, and the assailants, in gaining possession of the outworks, lost some four hundred men. But when the enemy appeared within a hundred yards of the fort, into which the garrison had crowded, the discouraged soldiers refused

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to man the lines, and the whole force, two thousand in number, with a great quantity of artillery, fell into the hands of the British.

Nov. 16.

This severe blow was soon followed up. Some six thousand British troops, a greater force than Washington could muster, were landed on the Jersey shore, above Fort Lee. To avoid being shut up in the narrow neck between the Hudson and Hackensack, Washington was obliged to evacuate that post, with the loss of baggage, artillery, and stores.

During these operations, the New York Convention was greatly alarmed lest the numerous Tories of that state should rise in arms, and openly join the British forces. Often obliged, by the movements of the armies, to change its locality, that body sat successively at Harlem, King's Bridge, Philip's Manor, Croton River, and Fishkill: some of the time, to guard against surprise, with arms in the hands of its members. A committee was appointed, of which Jay was chairman, "for inquiring into, detecting, and defeating conspiracies." That committee had funds at its disposal, a special armed force, and unlimited powers. Many Tories were seized by its order, and sent into Connecticut for safe keeping, their personal property being forfeited to the use of the state. The jails, and, occasionally, even the churches, were crowded with prisoners, many of whom were released on giving security not to go beyond certain limits. The Tories, though very numerous, succumbed to these strong measures. The same passive and cautious spirit which had kept them from sympathizing with the colonial cause, kept them also from any very active exertions on the other side.

Washington's army, by this time, was greatly reduced. The term of service of the militia was fast ex-

pring. The whole flying camp soon claimed their discharge; and no inducements could procure a moment's delay. Some of the New York militia refused to do duty. Howe, they said, offered "peace, liberty, and safety"—so they understood his proclamation—and what more could they ask? The continentals were enlisted only for a year, and their term of service was fast drawing to a close; nor did they always wait to complete it, desertions being very numerous. Exclusive of Heath's division in the Highlands, and the corps under Lee on the east side of the Hudson, Washington's army did not exceed four thousand men. The ground which he occupied was a level plain between the Hackensack and the Passaic; the army had no intrenching tools; and a British column, led by Cornwallis, was rapidly approaching.

Obliged to retreat, but anxious not to be cut off from Philadelphia, Washington crossed the Passaic to Newark, his troops exposed to all the severity of approaching winter, without tents, badly supplied with blankets, and very imperfectly clad. The British, well furnished with every necessary, pressed upon him with a much superior force; and Washington again retired, first across the Raritan to Brunswick, and thence to Princeton, where a corps was left, under Stirling, to check the enemy's advance, while Washington continued his retreat to Trenton, where he transported his remaining stores and baggage across the Delaware.

The first state Legislature under the new Constitution of New Jersey, having met at Princeton, had chosen William Livingston as governor, an office which he continued to hold till after the adoption of the Federal Constitution. Though Livingston had esteemed the Declaration of Independence premature, no one was more staunch than he in its support. In compliance with

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Washington's earnest and repeated solicitations, he had made every effort to get out the militia; but disaffection was openly exhibited in many places, and very few took the field. The defenseless Legislature, as much the sport of war as the New York Convention, retired first to Burlington, then to Pittstown, and then to Hattonfield, on the verge of the state, where it dissolved, leaving behind scarcely a vestige of the lately-established state government.

On the other side of the Delaware things were in no better condition. An election had lately been held in Pennsylvania under the new state Constitution. By a numerous and influential party, including all the lawyers and principal merchants, that Constitution was esteemed altogether too democratic. That party plotted, in some of the counties, to prevent the Constitution from going into operation, by neglecting to choose the counselors, in whom the executive authority was vested.

Nov. 28. The Assembly had lately met, but was obliged, in consequence of these machinations, to adjourn without organizing the new government.

The news of Washington's retreat produced the greatest commotion in Philadelphia; fears on one side, and hopes on the other. Putnam had been sent to take the command in that city. Mifflin was also there, endeavoring to raise the spirits of the people. Some fifteen hundred city militia, sent forward through the active agency of Mifflin, joined Washington at Trenton, and he advanced again upon Princeton. But Cornwallis approached with a superior force, and the American army was obliged to cross the Delaware. As the rear guard left the Jersey shore, the advance of the British came in sight; indeed, during the whole course of the retreat, the American rear guard, employed in pulling up bridges,

was constantly within sight and shot of the British pioneers sent forward to rebuild them. Washington had secured all the boats in the Delaware, and he placed his forces so as to guard the principal fords. The enemy, finding no means to cross, occupied the eastern bank above and below Trenton.

During this rapid and anxious retreat, Washington had sent repeated orders to Lee to cross the Hudson and to join the main army. Ambitious and self-conceited, esteeming himself almost the only officer in the American service who possessed any military science, Lee preferred a separate command. He flattered himself with the idea of attacking New York, or assailing the rear of the enemy, or otherwise performing some brilliant exploit. Brooding over these vain projects, he moved slowly through New Jersey by a road about twenty miles west of the British army. Having carelessly quartered, with a small guard, at a house three miles from his main body, information was given by one of the Tories, of whom that region was full, and he was surprised and made prisoner by a troop of British cavalry sent for the purpose. The value of Lee's services had been a good deal exaggerated in both armies, and an importance quite excessive was ascribed to his capture.

Of seven regiments detached from the northern army, four, led by St. Clair, had joined Lee; but the two from New Jersey, whose term of enlistment was about to expire, had hardly entered their own state, when they disbanded to a man. The three other regiments were halted at Morristown, in consequence of an alarm from the eastward, which also caused Washington to recall his orders lately sent to Heath to send on a brigade of regulars from the division in the Highlands.

The occasion of that alarm was a fleet from New York

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with six thousand troops on board, which made its appearance off Newport, in Rhode Island. The possession of that town, the second in New England, would prove a great annoyance to those states, while its harbor would afford a rendezvous for the British ships, essential almost for the occupancy of New York. The few troops stationed there evacuated the town without attempting any defense; Commodore Hopkins, with several Continental cruisers and a number of privateers, escaped up the bay, and were blocked up at Providence. As soon as Washington heard of this invasion, he dispatched Spencer and Arnold to look after the defense of Rhode Island. He was soon after joined by Lee's division, which Sullivan, on succeeding to the command, had led across the Delaware.

The Howes, in their character of king's commissioners, had issued a new proclamation, calling upon all insurgents to disband, and upon all political bodies to relinquish their usurped authority, and allowing sixty days within which to make submission. The speedy triumph of the mother country seemed certain, and many persons, those especially of large property, including several who had taken an active part in the Revolution, hastened to make the required submission. Tucker, president of the late New Jersey Convention, which had sanctioned the Declaration of Independence, and formed the state Constitution, now abandoned his country's cause, and took a British protection. So did Allen and Galloway, late delegates from Pennsylvania to the Continental Congress. For the ten days after the issue of the proclamation, two or three hundred persons came in every day to take the oaths.

The great body of the Quakers were known to be opposed to the war; and Putnam and Mifflin, dreading

the effects of the proclamation should the British cross the Delaware, strenuously recommended the removal of Congress. Their advice was adopted; and, leaving a 1776 committee behind, Congress adjourned to meet again at Dec. 12. Baltimore.

The elections under the new Constitution of Maryland were now going on. Thomas Johnson, a member of Congress and a staunch patriot, the same who had nominated Washington for commander-in-chief, was chosen governor. But in Maryland, as well as in Pennsylvania, the number of the disaffected was very considerable. The same feeling operated very strongly in Delaware. The Convention which framed a Constitution for that state recalled from Congress M'Kean and Rodney, the two delegates who had given the vote of Delaware for independence. Nor were the more ardent patriots very well satisfied with the choice presently made of John M'Kinley as president under the new Constitution.

Contrary to Washington's expectations, the British, content with having overrun the Jerseys, made no attempt to pass the Delaware, but established themselves in a line of cantonments at Trenton, Pennington, Bordentown, and Burlington. Other corps were quartered in the rear, at Princeton, Brunswick, and Elizabethtown.

While these important operations had been going on at the north, the western frontier of the Carolinas and Georgia had been visited by an Indian war. Stuart, the British superintendent of Indian affairs for the southern department, formerly commandant at Fort Loudon, and Cameron, his deputy, a resident in the Indian country, and connected by marriage with several of the chiefs, possessed great influence over the Cherokees. Shortly

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CHAPTER after the attack on Charleston, and in co-operation with
XXXIV. that enterprise, the Cherokees had been induced to com-

1776. mence hostilities against the back settlers, now rapidly

Oct. increasing. A strong force, collected in the Carolinas and Virginia, marched into the Cherokee country, dispersed the Indians, and destroyed the growing corn. Cameron sought refuge at Pensacola. Reduced almost to a state of starvation, humbled and subdued, the Cher-

1777. okees presently submitted to a peace, by which they

Jan. yielded up a large tract of territory, including the infant settlements on the Tennessee. James Robertson, the pioneer of those settlements, was appointed the joint Indian agent of Virginia and North Carolina

The Legislature of Virginia divided the county of Fin-castle, which hitherto had included all the southern settlements of that state west of the mountains, into the three new counties of *Washington*, *Montgomery*, and *Kentucky*. The Transylvanian settlers gave over, for the present, their plan of an independent community, and concluded to organize under the authority of Virginia. The county of Kentucky included the whole present state of that name. Henderson's claim was presently quieted by granting to him and his associates two hundred thousand acres of land at the mouth of Green River.

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ENLISTMENT OF A PERMANENT ARMY. RECOVERY OF THE JERSEYS. EXCHANGE OF PRISONERS. NAVAL WARFARE. FOREIGN TRADE. NEGOTIATIONS ABROAD. DECLINING CREDIT OF THE PAPER MONEY. STATE GOVERNMENTS.

In the midst of that laborious and anxious campaign resulting in the loss of New York and the retreat through the Jerseys, Washington had been in constant correspondence with Congress respecting the enlistment and organization of a new army. He had represented, in plain and strong terms, the wastefulness, as well as the dangerous uncertainty of the system of short enlistments and militia drafts, and its total incompatibility with system, order, and discipline. Numbers had not been wanting. First and last, during the year, Congress had in the field forty-seven thousand Continentals, besides twenty-seven thousand militia, a much more numerous force than the States at any time afterward were able to muster. But numbers were nothing without discipline and science, for want of which the Americans had been beaten in almost every engagement. CHAPTER XXXV.
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"The government of an army," so Washington wrote to Congress, to be effective, must be "a perfect despotism." To that the militia would not submit; and, when the two kinds of troops served together, the insubordination of the militia was communicated to the regulars, whose annual term of service expired almost before they had learned the duties of a soldier. Abhor-

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rence of a standing army, to be quartered on the colonies, had precipitated the Revolution. In Congress and 1776. in the States there prevailed a just and reasonable dread of despotic authority, and among those willing to serve as soldiers a settled disinclination to enlist for long periods. But, to continue the war, a standing army was absolutely necessary. A committee of Congress, sent to camp while the American army still occupied Harlem Heights, on York Island, had matured a plan for such an army, for the most part in accordance with Washington's views.

All the hitherto scattered continental forces were to be embraced in one grand whole, to consist of eighty-eight battalions, of seven hundred and fifty men each—battalions being substituted for regiments, to get rid of the rank of colonel, which had occasioned difficulty about exchanges. Hazen's Canadian regiment was also to be kept up, to be recruited in any of the states, and hence known as "Congress's own." Massachusetts and Virginia were each to furnish fifteen battalions, Pennsylvania twelve, North Carolina nine, Connecticut eight, South Carolina six, New York and New Jersey four each, New Hampshire and Maryland three each, Rhode Island two, Delaware and Georgia each one. The men were to be enlisted for the war, and to be entitled, at the end of their service, to a land bounty of a hundred acres. Colonels were to have five hundred acres, and inferior officers an intermediate quantity corresponding to their rank. Twenty dollars bounty was to be given to each recruit. Such, however, was the difficulty in obtaining enlistments for the war, that an option was presently allowed of enlisting for three years; but these three year recruits were to have no land. The states were to enlist their respective quotas, and to provide them with arms and clothing; but the expense of this operation, as well as

the pay and support of the troops in the field, was to be a common charge. The company and battalion officers, though commissioned by Congress, were to be appointed by the states. Agents were to be sent to the camp to arrange this important matter. The Articles of War were revised, and made more strict. Besides the state establishments for that purpose, national founderies and laboratories for the manufacture of military stores were set up at Carlisle, in Pennsylvania, and Springfield, in Massachusetts. A clothier general for the army was also appointed.

So jealous were the states of their sovereignty, and so great was the dread of military power, that it was not easy to arrange this scheme on paper. To carry it into effect was still more difficult. Amid the disasters of the campaign, recruiting had proceeded very slowly. To stimulate enlistments, Massachusetts offered an extra bounty of \$66. The same policy was adopted by Maryland and other states; and this bid for recruits was carried still higher by counties and townships. Washington and Congress protested against a practice which threatened to involve an overwhelming expense, and which, to a certain extent, defeated its own object, by inducing those inclined to enlist to stand out for still higher offers. Congress, however, promised eight dollars to every person obtaining a recruit. Several states were greatly behindhand in the appointment of officers, without whom enlistments could not begin, and of those who were appointed, a considerable number had obtained their commissions more through the influence of family and connections than by reason of qualifications.

The force agreed upon, even if promptly furnished, did not seem sufficient to Washington. Upon his earnest representations, Congress, having reassembled at Dec. 17

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Baltimore, authorized him to enlist and officer sixteen additional battalions of foot, and to raise and equip three 1776. regiments of artillery, three thousand light horse, and a corps of engineers. Knox, who still remained at the head of the artillery, at Washington's earnest request, had been made a brigadier. As yet only a troop or two of cavalry had been attached to the army; and a body of horse, which Howe had contrived to mount—a description of force to which the American soldiers were unaccustomed—had inspired great terror during the late campaign. While these additions to the army were authorized, Congress, alarmed at the dangerous aspect of affairs, invested the commander-in-chief, for the next six months, with almost dictatorial powers. He was authorized to displace all officers under the rank of brigadier; to fill up all vacancies; to take, for the use of the army, whatever he might want, allowing the owners a reasonable price; and to arrest and confine for trial, by the civil tribunals, all persons disaffected to the American cause, or refusing to take the continental paper money.

By exerting all his persuasive powers of eloquence, Mifflin, in a tour through the neighboring districts of Pennsylvania, had raised and brought into camp some additional Pennsylvania militia. By this and other accessions, Washington's army had increased to seven thousand men; but the term of most of the regulars was just about to expire. While he had yet a considerable force at his disposal, and before the end of the sixty days limited in the late British proclamation, Washington and his officers judged it highly desirable to strike some effectual blow at the enemy. The festivities of Christmas would be apt to relax the watchfulness of the cantonments on the other side of the Delaware. A body of fifteen hundred Hessians, stationed at Trenton, was se

lected by Washington as the object of attack. On the evening of Christmas, with two thousand five hundred of his best men and six pieces of artillery, including the New York company under Alexander Hamilton, he commenced crossing the Delaware about nine miles above Trenton. Two corps of militia, one opposite Trenton, the other lower down, at Bristol, under General Cadwallader, were to have crossed at the same time; but the quantity of floating ice made the passage impossible. It was only with great difficulty, and after struggling all night, that Washington's troops got over at last. About four o'clock in the morning, in the midst of a snow storm, they commenced their march for Trenton in two columns, one led by Greene, the other by Sullivan, Stark's New Hampshire regiment heading Sullivan's advance. The two columns took different roads—Sullivan's along the bank of the river, Greene's some distance inland. It was eight o'clock before they reached the town; but the Hessians, sleepy with the night's debauch, were completely surprised. Some little resistance was made by the guard of the artillery, but they were soon overpowered, and the pieces taken. Washington's artillery was planted to sweep the streets of the town. The Hessian commander, while attempting to form his troops, was mortally wounded. The light horse and a portion of the infantry, who fled on the first alarm, escaped to Bordentown. The main body attempted to retreat by the Princeton road, but found it already occupied by Colonel Hand and his regiment of Pennsylvania riflemen. Thus out off, ignorant of the force opposed to them, and without enthusiasm for the cause, they threw down their arms and surrendered. About a thousand prisoners were taken and six cannon. The Americans had two frozen to death, two killed, and a few wounded in assaulting the

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CHAPTER XXXIV. artillery, among them James Monroe, then a lieutenant, afterward President of the United States. Had the mi-

1776. litia lower down been able to cross, the success might have been still more complete.

Washington recrossed the Delaware with his prisoners, who were sent to Philadelphia, and paraded through the streets in a sort of triumph. The British, astonished at such a stroke from an enemy whom they reckoned already subdued, broke up their encampments along the Delaware, and retired to Princeton. Washington thereupon reoccupied Trenton, where he was speedily joined by three thousand six hundred Pennsylvania militia, relieved, by the withdrawal of the enemy, from
Dec. 31. their late duty of guarding the Delaware. At this moment the term of service of the New England regiments expired; but the persuasions of their officers, and a bounty of ten dollars, induced them to remain for six weeks longer.

Alarmed by the surprise at Trenton, and the signs of new activity in the American army, Howe detained Cornwallis, then just on the point of embarking for England, and sent him to take the command at Princeton. Re-enforcements came up from Brunswick, and Cornwallis advanced in force upon Trenton. Washington
1777. occupied the high ground on the eastern bank of a small
Jan. 2. river which enters the Delaware at that town. The bridge and the ford above it were guarded by artillery. After a sharp cannonade, the British kindled their fires and encamped for the night.

Washington was now in a dangerous predicament. He had about five thousand men, half of them militia, but a few days in camp. Could such an army stand the attack of British regulars, equal in numbers, and far superior in discipline and equipments? To attempt

to cross the Delaware in the face of the enemy would be more hazardous than a battle. Washington, according to his custom, called a council of war. The large force which Cornwallis evidently had with him led to the inference that the corps in the rear could not be very strong. The bold plan was adopted of gaining that rear, beating up the enemy's quarters at Princeton, and, if fortune favored, falling on his stores and baggage at Brunswick. In execution of this plan, the American baggage was silently sent off down the river to Burlington; and, after replenishing the camp fires, and leaving small parties to throw up intrenchments within hearing of the enemy's sentinels, the army marched off about midnight by a circuitous route toward Princeton. Three British regiments had spent the night in that town; and by sunrise, when the Americans entered it, two of them were already on their march for Trenton. The leading regiment was attacked and broken; but it presently rallied, regained the Trenton road, and continued its march to join Cornwallis. General Mercer, who had led this attack with a column of militia, was not very well supported; he fell mortally wounded while attempting to bring up his men to the charge, and was taken prisoner. The marching regiment in the rear, after a sharp action, gave way, and fled toward Brunswick. The regiment in the town occupied the college, and made some show of resistance; but some pieces of artillery being brought to bear upon them, they soon surrendered. Three hundred prisoners fell into the hands of the Americans, besides a severe loss to the enemy in killed and wounded. The American loss was about a hundred, including several valuable officers.

When Cornwallis heard the roar of the cannon at Princeton, he penetrated at once the whole of Wash-

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ington's plan. Alarmed for his magazines at Brunswick, he hastily put his troops in motion, and by the time the Americans were ready to leave Princeton, he was again close upon them. Again Washington was in great danger. His troops were exhausted; all had been one night without sleep, and some of them longer; many had no blankets; others were barefoot; all were very thinly clad. It was necessary to give over the attack upon Brunswick, and to occupy some more defensible ground, where the troops could be put under cover. At Morristown, on the American right, were the skeletons of three regiments, detached, as already mentioned, from the northern army; also the troops sent forward by Heath, but stopped on the reception of Washington's countermand. Some militia had also joined them. The high ground in that vicinity offered many strong positions. As Cornwallis would hardly venture to cross the Delaware with an enemy in his rear, Washington concluded to march for Morristown, where he intrenched himself.

Not anxious to continue this winter campaign, Cornwallis retired to New Brunswick. The parties sent out by Washington to assail and harass the British quarters were eagerly joined by the inhabitants, incensed by the plunder and ravage of the British and Hessians, against whom even Howe's protections had proved a very uncertain defense. Plundering, into which soldiers very easily fall, was by no means confined to the British. Washington was again obliged to issue stern orders against "the infamous practice of plundering the inhabitants under pretense that they are Tories."

Another proclamation was presently issued, requiring
Jan. 25. all those who had taken British protections either to remove within the enemy's lines, or else to repair to the nearest general officer, give up their protections, and take

an oath of allegiance to the United States. Objections CHAPTER XXXV. were made to this proclamation, and one of the New Jersey delegates in Congress raised some question about it, 1777. on the ground that it was an interference with state rights, allegiance being due to the state, and not to the confederacy; but Congress sustained Washington in the course he had taken.

Huts were erected at Morristown, and there the main body of the American army remained during the winter. The right was at Princeton, under Putnam; the left in the Highlands, under Heath; cantonments were established at various places along this extended line. Skirmishes occasionally took place between advanced parties, but for six months no important movement was made upon either side. Washington, busy in organizing the new army, was, in fact, very weak. Recruits came in but slowly; and detachments of militia, principally from the Eastern States, had to be called out for temporary service. These were judiciously posted, so as to make the best possible show; but, for several months, there was little more than the shadow of an army. The enemy, made cautious by their losses, fortunately were ignorant of Washington's real situation. The strong ground occupied by the Americans, and the winter, which had now fairly set in, seemed to forbid the hope of successful attack. In skirmishes, the Americans were generally successful; the British quarters were straitened, their supplies were cut off, and they were reduced to great distress for forage and fresh provisions.

The recovery of the Jerseys by the fragments of a defeated army, which had seemed just before on the point of dissolution, gained Washington a high reputation, not at home only, but in Europe also, where the progress of the campaign had been watched with

CHAPTER great interest, and where the disastrous loss of New
XXXV. York and the retreat through the Jerseys had given a
 1777. general impression that the Americans would not be able
 to maintain their independence. The recovery of the
 Jerseys produced a reaction. The American general was
 extolled as a Fabius, whose prudence availed his country
 not less than his valor. At home, also, these successes
 had the best effect. The recruiting service, which before
 had been almost at a stand, began again to revive, and
 considerable progress was presently made in organizing
 the new army.

The extensive powers which Congress had intrusted
 to Washington were exercised energetically indeed, but
 with the greatest circumspection, and a single eye to
 the public good. The state appointments of officers for
 the new army, too often the result of favoritism, were
 rectified so far as prudence would justify; and, by com-
 missions in the sixteen additional battalions, Washington
 was enabled to provide for such meritorious officers as
 had been overlooked in the new appointments.

A great clamor having been raised against Dr. Mor-
 gan's management of the hospital department, he was
 summarily removed from office, and Dr. Shippen, his
 colleague in the medical school at Philadelphia, appoint-
 ed in his place. The whole department was reorgan-
 ized: Dr. Craik was appointed Shippen's assistant; Dr.
 Rush, afterward greatly distinguished in his profession,
 an active politician, who had signed the Declaration of
 Independence as one of the new delegates from Pennsyl-
 vania, was made surgeon general for the middle depart-
 ment. The small-pox had been a terrible scourge to the
 American troops, and Washington caused all the new re-
 cruits to be inoculated and carried through the disorder.
 This change in the medical staff was extended to the

northern department also. Schuyler complained that the officer at the head of it had been discharged without consulting him ; but Congress pronounced his letter disrespectful, and required an apology. Morgan subsequently procured an inquiry into his conduct by a committee of Congress, and was honorably acquitted. 1777.

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Stirling, Mifflin, St. Clair, Stephen, and Lincoln were commissioned as major generals—Lincoln, taken from the ranks of the Massachusetts militia, which he had twice led to Washington's assistance, was promoted over the heads of all the brigadiers. Arnold, whose conduct while in command at Montreal, and the unsettled accounts of whose Canada expedition had left some shade on his character, complained loudly of being overlooked. Poor, of New Hampshire, was commissioned as a brigadier ; also Glover, Patterson, and Learned, of Massachusetts ; Varnum, of Rhode Island ; Huntington, of Connecticut ; George Clinton, of New York ; Wayne, De Haas, Cadwallader, Hand, and Reed, of Pennsylvania ; Weedon, Muhlenburg, Woodford, and Scott, of Virginia ; Nash, of North Carolina ; Deborre, of France ; and Conway, Irish by birth, but French by education, an officer of thirty years standing in the French army, but whose merit was not equal to his pretensions. The army was now well supplied with general officers, but state claims and political influence—each state claiming a number of general officers proportioned to its quota of troops—had more to do with some of these appointments than considerations of merit or the good of the service.

Feb. 8.
May 13.

Four regiments of horse were enlisted under Colonels Bland, Baylor, Sheldon, and Moylan. Cadwallader and Reed, to whom the command of the horse was offered, both declined their appointments. The office of adjutant general, vacant by the resignation of Reed, who had made

CHAPTER himself very obnoxious to the Eastern troops, was given
XXXV. to Timothy Pickering, a colonel of the Massachusetts line.

1777. The quarter-master's department, at the head of which Mifflin still remained, was regulated and organized by the appointment of assistant quarter-masters, wagon masters, and commissaries of forage, all of whom were required to make monthly returns. Congress also undertook to regulate the commissary department by dividing its duties between a commissary of purchases and a commissary of issues, and by assuming the appointment of the principal subordinate officers. Insisting upon the selection and entire control of all the persons employed in his department as absolutely necessary to insure uniformity and obedience, Joseph Trumbull, the commissary general, soon resigned; nor was the new system found to work so well as Congress had hoped.

In the course of the war the British had taken near five thousand prisoners, the Americans about three thousand. At first all exchanges had been refused, on the ground that the Americans were rebels; but, after Howe's arrival at New York, he had opened a negotiation on the subject. A good deal of obstruction occurred from the refusal of Congress to fulfill Arnold's stipulation at the Cedars; but, finally, a cartel was arranged, and a partial exchange effected.

As the Americans had no prisoner of equal rank with Lee, they offered in exchange for him, in the terms of the cartel, six Hessian field officers taken at Trenton. Though Howe did not choose to take the responsibility of bringing Lee to a trial, he claimed him, nevertheless, as a deserter from the British army, and refused the exchange. Congress ordered the six Hessians, together with Lieutenant-colonel Campbell, a British officer who had been taken at Boston, to be committed to close prison.

to suffer whatever extremities might be inflicted on Lee. CHAPTER XXXV.
 Howe presently received orders to send Lee to England for trial; but he delayed to do so, being apprehensive of the effect upon the German officers of the awkward predicament of the six Hessians. In consequence of his representations on that subject, he was subsequently instructed to treat Lee as a prisoner of war. 1777.

Another controversy presently arose. The Americans taken at Long Island and Fort Washington, and confined in New York, had suffered extremely during the winter from want of the necessaries of life. Howe earnestly disclaimed all knowledge of any ill treatment; but he seems to have left the custody of the prisoners to the New York Tories, from whom they received little mercy. Many died; and of those sent out for exchange in the spring, a large part were feeble and emaciated. Washington refused to send back, in return, an equal number of well-fed, healthy Hessians and British, and he justified that refusal in an able correspondence with General Howe.

These disputes interrupted for some time the progress of exchange, which Congress, indeed, was very little anxious to expedite. Every prisoner sent into New York was a recruit to the British army, while those received in return were men whose term of service had expired. This consideration of policy had more weight than pity for the suffering prisoners, whose protracted detention was, however, none the less ascribed to the impracticability and obstinacy of the British commander. Elias Boudinot, a citizen of New Jersey, of Huguenot descent, and presently a member of Congress from that state, was appointed commissary for prisoners.

In subordination to the Marine Committee, two navy boards had been established, to which the executive

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functions of that department had been chiefly committed, one for the Eastern, the other for the Middle

1777. States. Of the thirteen frigates ordered by Congress, several had been finished and equipped; and the additional construction of three seventy-fours, five large frigates, and one or two smaller vessels, was presently authorized. But these building operations were soon suspended by want of money, and the high price of labor and naval stores. The officers of the national vessels, of which several had been purchased, besides those ordered to be built, were not very competent, and few of them met with much success. Hopkins, with his squadron, was blocked up at Providence. Privateering, principally from New England, had been entered upon with great zeal, and the scarcity occasioned by the interruption of regular commerce had been partially supplied by the success of the cruisers. The homeward-bound British vessels from the West Indies, deeply laden, and passing for a great distance along the American coast, offered rich and tempting prizes. In the first year of this naval warfare, near three hundred and fifty British vessels had been captured, worth, with their cargoes, five millions of dollars.

Since the resolution of Congress on the subject of commerce, a new foreign trade had been opened to America. Shipments of tobacco and other staples were made to France, Spain, and Holland, sometimes direct, but principally by way of the West Indies; and, through the same channel, supplies of manufactured goods were received. An indirect commerce was also kept up with the British West Indies. St. Eustatius, a little Dutch island of the Caribbee group, possessing a fine harbor, and enjoying the privileges of a free port, soon became a great mart for this traffic. This trade, however, was

not carried on without great risks. A large number of American vessels, principally laden with lumber and provisions, fell into the hands of British cruisers, and served in some measure to relieve the necessities of the British islands, reduced to great distress by the non-intercourse and the war. According to Edwards, the historian of the West Indies, this interruption of accustomed supplies occasioned in Jamaica alone the starvation of not less than fifteen thousand negroes.

The necessity of a national flag being felt, especially in the marine service, Congress presently adopted the happy idea of the stars and stripes, a star and a stripe for each of the thirteen states.

Still smarting under the loss of their late North American empire, and anxious to share in the American trade, the French, both the court and the merchants, saw with delight the British colonies rising in arms against the mother country; in spite of the remonstrances of the British ambassador, American privateers found no difficulty in selling their prizes in French ports; armed vessels, to sail under American commissions, were even allowed to be secretly fitted out.

Shortly after the breaking out of hostilities, in consequence of representations made by Arthur Lee to the French ambassador at London, Vergennes, the French minister for foreign affairs, had sent M. Beaumarchais, well known at Paris as a courtier, a dramatist, and a political intriguer, to concert measures with Lee for remitting to America arms and military stores to the value of a million of livres, about \$200,000. The French court was not yet prepared for an open breach with England, and, to cover up this transaction, and to give it a mercantile appearance, these arms were to be remitted by Beaumarchais under the fictitious mercantile firm of

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Hortales and Co. Before this matter could be finally arranged, Deane had arrived at Paris; not openly in any public capacity, but apparently as a private merchant.

May.

He was courteously received by Vergennes, and was presently introduced to Beaumarchais, with whom he completed the arrangements commenced with Lee in London. It was agreed that Hortales and Co. should send the proposed supplies by way of the West Indies, and that Congress should remit tobacco and other produce in payment.

Beaumarchais presently dispatched three vessels, and others subsequently, with valuable cargoes, including two hundred pieces of artillery and a supply of small arms from the king's arsenals, four thousand tents, and clothing for thirty thousand men. This whole transaction was conducted with great secrecy and a good deal of mystery. Deane's movements were closely watched by British agents; and the French court would trust none of its secrets to Congress, whose most private deliberations, by some means or other, became speedily known to the British ministry.

Shortly after the Declaration of Independence, a plan of treaties with foreign powers had been reported by the committee on that subject, and their report being accepted by Congress, Franklin, Deane, and Jefferson had been appointed commissioners to the French court. Unwilling to leave his wife, whose health was declining, Jefferson refused the appointment, and Arthur Lee, who still remained at London, was substituted for him. The secret committee charged with the oversight of foreign affairs were directed to remit bills or to export produce till they had established in France a fund for the support of the commissioners, who were directed to live in a style "to support the dignity of their public character."

Sept 26.

Besides the payment of their expenses, they were to receive "a handsome allowance" for their time and trouble. CHAPTER XXXV.

Franklin sailed for France in the *Reprisal*, of sixteen guns, one of the new Continental frigates, the first national American vessel to show itself in the eastern hemisphere. He arrived in safety; and Lee, from London, presently joined his colleagues. The commissioners were received by Vergennes, privately, with marks of favor, but without public acknowledgment, or any open recognition of their diplomatic character. The firmness of the Americans, and their resolution to maintain their independence, were still regarded as doubtful. France was secretly strengthening her navy and preparing for war; but a serious obstacle was encountered in the deranged state of her finances, over which Neckar had just been called to preside.

A considerable number of captured British seamen had been brought into French ports by American privateers, and the American commissioners, shortly after their arrival, addressed a note to Lord Stormont, the British ambassador, proposing to exchange them for American prisoners in the hands of the British. "The king's ambassador receives no application from rebels, unless they come to implore his majesty's mercy:" such was Stormont's stately reply, written on a slip of paper, which the commissioners sent back again for his lordship's "better consideration."

The American commissioners received from the French government a quarterly allowance, amounting in the whole to about \$400,000; and half as much more was advanced on loan by the farmers general, to be repaid by remittances of tobacco. This money was principally applied to the purchase of arms and supplies for the troops, and the fitting out of armed vessels—a business

CHAPTER XXXV. left very much in the hands of Deane, who had been bred a merchant, and who still continued to have the chief management of the transactions with Beaumarchais. Of the ships first dispatched under that arrangement, two were taken by the enemy; a third arrived very seasonably with arms for the new regiments, which began at last to fill up.

After the loss of New York, the commissioners had been instructed by Congress to press the subject of a treaty, and to offer very favorable terms as to commerce and the division of conquests. Commissioners were also appointed to the other European courts—Franklin, and, when he declined, Arthur Lee, to Madrid; William Lee, a brother of Arthur, and lately one of the sheriffs of London, to Vienna and Berlin; and Ralph Izard, of South Carolina, to Florence. These appointments, however, were perfectly useless. Before information of them arrived at Paris, Leo, at the request of his brother commissioners, had already visited Spain. He was stopped short at Burgos by an agent of the Spanish government; a small sum of money was promised to pay for military stores shipped from Bilboa; but Lee was not allowed to proceed to Madrid. His activity presently vented itself in a still more fruitless expedition to Germany. Izard made no attempt to visit Florence, but remained at Paris, drawing a salary from the almost exhausted funds of the commissioners. William Lee, after a useless visit to Berlin, where his papers were stolen, through the contrivance, as was thought, of the British resident minister, returned to Paris to keep Izard company.

The convenient expedient of postponing the burdens of the war by the issue of bills of credit had stood Congress and the states in excellent stead. The value of

this paper had kept up remarkably. Eighteen months CHAPTER XXXV. expired, and twenty millions of Continental bills had been authorized, besides large local issues; before any 1777. very marked signs of depreciation had made their appearance. At length, however, it began to be obvious that depreciation could only be prevented by stopping the issue; and Congress, as a substitute for further issues, had proposed to raise a loan of five millions of dollars at an interest of four per cent. A lottery was also authorized, designed to raise a like sum on loan, the prizes being payable in loan-office certificates. With the continued ill success of the American arms, after the loss of New York, the paper money continued to depreciate. The disaffected refused to take it; and among the other extraordinary powers conferred upon Washington, he was authorized, as we have seen, to arrest and imprison all such maligners of the credit of Congress.

But depreciation was not confined to the seat of war nor to the disaffected districts. It was felt also in New England, where it had been aggravated by large local issues. At a Convention of the New England States, Jan. held at Providence at the beginning of the year, to consult about the defense of Rhode Island, and other matters of common interest, a scheme was agreed upon for regulating by law the prices of labor, produce, manufactured articles, and imported goods; and this project, though strenuously opposed by the merchants, was presently enacted into law by the New England Legislatures.

Congress sought to sustain their failing credit by a resolution that their bills "ought to pass current in all Jan. 14. payments, trade, and dealings, and be deemed equal in value to the same nominal sums in Spanish dollars;" and that all persons refusing to take them ought to be considered "enemies of the United States," upon whom

CHAPTER XXXV. it was recommended to the local authorities to inflict

“forfeitures and other penalties.” The states were
1777 called upon to make the bills a legal tender, and to provide “for drawing in their several quotas at such times as had been or should be fixed by Congress.” Except as to the first six millions, no such time had yet been appointed. It was also recommended to the states to raise by taxation, and to remit to the national treasury, “such sums as they shall think most proper in the present situation of their inhabitants,” these sums to be passed to the credit of the paying states. The advice was also given to avoid the further emission of local bills of credit, and to adopt measures for redeeming those already out.

The doings of the New England Convention having been laid before Congress, their scheme for regulating
Feb. 15. prices was approved. The other states were advised to imitate it, and to call for that purpose two conventions, one from the Middle, the other from the Southern States. In accordance with this recommendation, a Convention for the Middle States, in which New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia were

March 26. represented, presently met at Yorktown, and agreed upon a scale of prices.

But this scheme, though very popular, was found wholly impracticable. The traders every where combined to defeat it; while the embarrassments which it placed in the way of commerce aggravated instead of diminishing the evils complained of.

The scheme of a loan was still earnestly pursued.
Jan. 16. Two millions, and presently thirteen millions more, of
Feb. 22. loan-office certificates were authorized, in sums from \$200 to \$10,000, making the whole amount thus attempted to be borrowed equal to the outstanding issue of Continental bills. Loan offices were opened in all the

states; the rate of interest was raised from four to six per cent.; and the receipt was authorized, under certain limitations, not of Continental bills merely, but of state bills also. Loans, however, came in but slowly; the treasury ran low; the loan offices were overdrawn; and the issue of bills of credit was reluctantly recommenced. Ten additional millions were speedily authorized, and as the issue increased, the depreciation increased also. The commissioners in France had been instructed to borrow money there; but such instructions were much more easily given than executed.

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Feb. 27.
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Just before the close of the year, the North Carolina Convention had agreed upon a state Constitution, under which Richard Caswell, the conqueror of M'Donald, was chosen governor. At an early session of the new Legislature, the territory lately ceded by the Cherokees was erected into the district of Washington. A land office system was also established, consisting of an entry taker and a surveyor in each county. Any person was at liberty to enter six hundred and fifty acres of land for himself, and one hundred more for his wife, and the same for each of his children—the lands thus entered to be paid for at the rate of £2 10s. per hundred acres, exclusive of the fees of entry and survey. If any greater quantity were entered, double price was to be paid.

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Dec. 18

1777.

The pressure of danger from abroad had somewhat allayed the opposition to the new Constitution of Pennsylvania. The delinquent counties elected counselors, and the new government was finally organized by the choice of Thomas Wharton, Jr., as president, and George Bryan as vice-president. Wharton's father was a wealthy and influential Quaker, opposed to the Revolution; but the son had been from the beginning an active partisan of the popular cause. Though the Constitu-

March 4

CHAPTER XXXV. tion was submitted to, its opponents were by no means satisfied. M'Kean, appointed chief justice, Reed and 1777. Roberdeau, presently sent as delegates to Congress, Rush, and others, adhered, after some hesitation, to the constitutional party; but the opposition, who took the name of "Republicans," included most of the merchants, lawyers, and leading citizens of Philadelphia. As they generally had the votes and assistance of the disaffected, they made the administration of the government no easy task. This internal contest, added to the extent of disaffection, operated greatly to diminish the effective force of Pennsylvania.

The state government of New Jersey having again re-established itself, a militia law was passed—not, however, very satisfactory to Washington or to Governor Livingston, since it allowed pecuniary payments in lieu of personal service. Another act, passed on the recommendation of Livingston, confiscated the personal estate of all refugees within the British lines who did not return within a fixed period—a policy adopted also in New York. The governor and twelve of the representatives were constituted a Committee of Safety, with extensive powers, to act during the recess.

The refugees assembled in New York endeavored to indemnify themselves for their confiscated property by the fitting out of privateers and by plundering expeditions. Livingston became a particular object of their hatred. Mutual injuries inflamed to a high pitch the fury of civil discord, and each side charged the other with disgraceful cruelties.

April 30. The Convention of New York, authorized for that purpose, found time at length to complete their frame of government—the first American Constitution that gave the choice of governor to the people. George Clin-

ton, the active and energetic commander of the New York militia, and lately commissioned as a Continental brigadier, was presently elected governor, an office which, by successive re-elections, he continued to hold for eighteen years. Jay was appointed chief justice, and Robert R. Livingston chancellor. Until the meeting of the first Legislature, affairs continued to be administered by a Committee of Safety.

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Georgia, also, having framed a Constitution, was now first divided into eight counties—four along the sea-coast, and four up the Savannah. The parish of St. John's, which had anticipated the rest of the state in sending a delegate to Congress, was constituted into the county of *Liberty*; the others were named from Chatham, Camden, Burke, and other distinguished English advocates of colonial rights. Bullock having suddenly died, Button Gwinnet, late a member of Congress, and one of the signers of the Declaration of Independence, was chosen president of the council; but when the choice presently came on of governor under the new Constitution, he was beaten by John Adam Trueitlen. General M'Intosh had taken a warm part in the contest, and subsequently to the election had spoken disparagingly of Gwinnet, who presently challenged him. In the duel that ensued Gwinnet was killed, a circumstance which infused new bitterness into the party quarrels of that little state.

Feb. 5

Feb. 22.

May 8.

Simultaneously with the organization of the state government, Congress returned to Philadelphia.

March 4.

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DETERMINATION OF THE MOTHER COUNTRY TO SUBDUCE THE COLONIES BY FORCE. FIRST MOVEMENTS OF THE CAMPAIGN. FOREIGN OFFICERS; LA FAYETTE. EXPEDITION AND SURRENDER OF BURGOYNE.

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THOUGH the Declaration of Independence had lost the Americans a portion of their English friends, a large and intelligent section of the British people still protested against the war as unjust and unnatural. On the whole, however, it was decidedly popular; and the proceedings of Parliament, during the session of 1776-77, evinced, on the part of the ministry and their adherents, a fixed intention to reduce the revolted colonists to unconditional submission.

1776. A motion in the House of Commons to revise those
Nov. 6. acts of Parliament by which the Americans considered themselves aggrieved, was lost by a large majority. Lord Chatham, in spite of his growing infirmities, went to the House of Lords to make a similar proposition, which shared there the same fate. The moral force of the opposition was somewhat weakened by their own dissensions. The Rockingham section, disgusted by the obstinate determination of ministers, ceased to attend in their seats when American affairs were discussed. Lord Shelburne's friends, including the particular adherents of Pitt, refused to join in this secession, which they considered a dereliction of public duty.

1777. Letters of marque and reprisal were issued against
Feb. the Americans, and authority was given to secure and

detain in custody, without bail or trial, except at the discretion of the Privy Council, all persons accused or suspected of treasons committed in America, or of piracy on the high seas. CHAPTER XXXVI 1777

The ministry had planned, in addition to the operations of the main army against Philadelphia, an invasion from Canada, apprehensions of which had led the Americans into their late unsuccessful attempt to conquer that province. Such supplies of men or money as they asked for were readily voted; but in England, as well as in America, enlistments were a matter of difficulty. Lord George Germaine was possessed with an idea, of which Sir William Howe found it very difficult to disabuse him, that recruits might be largely obtained among the American Loyalists. In spite, however, of all the efforts of Tryon, Delancey, and Skinner, the troops of that description hardly amounted as yet to twelve hundred men; and Howe complained, not without reason, of the tardiness of the ministers in filling up his army.

As the spring opened, the British began to show some signs of activity. A detachment sent up the Hudson March 23 destroyed a quantity of stores collected at Peekskill, the lowest point on the river held by the Americans. In consequence of this attack, new efforts were made to strengthen the defenses of the Highlands, and Heath having been transferred to Boston, Putnam was sent to take the command there.

A considerable corps under Lincoln, detached to guard the upper valley of the Raritan, had been stationed at Boundbrook, in the vicinity of the British post at Brunswick. Owing to the negligence of a militia guard, Lincoln was near being surprised by a detachment under April 13 Cornwallis, which marched out of Brunswick for that

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purpose. He escaped, however, with the loss of two pieces of artillery, some baggage, and twenty men.

1777. A few days later, Tryon was dispatched from New
April 23. York, at the head of two thousand men, on an expedition against Danbury, an inland town near the western boundary of Connecticut, where a large quantity of provisions were collected for the supply of the American army. Tryon landed between Fairfield and Norwalk, reached Danbury unmolested, and set fire to the magazines, all of which were destroyed, with their contents; after which he commenced a speedy retreat. Two corps of militia had mustered to intercept him, one under Wooster, the other under Arnold, who happened to be in that vicinity, and who volunteered as their leader. Three attacks were made on the retreating British column, one by Wooster, who fell mortally wounded, and two by Arnold, who exhibited his usual daring courage, and had two horses shot under him. Tryon's superior force enabled him to repel these attacks, and he made good his retreat with a loss of a hundred and seventy killed and wounded. The loss of the militia was about a hundred. In acknowledgment of Arnold's gallantry, he was made a major general, and Congress presented him with a horse fully caparisoned. But he still complained that the promotion of junior officers over his head had deprived him of his proper relative rank.

This marauding expedition was presently retaliated by
May 24. Colonel Meigs, of Connecticut, who landed on the east end of Long Island with two hundred men, destroyed twelve vessels, and a great quantity of provisions and forage collected at Sag Harbor, took ninety prisoners, and returned without the loss of a man.

Another little expedition shortly after was a source of great triumph to the Americans, and of no little mor-

tification to the enemy. General Prescott, the same CHAPTER XXXVI
 who had been made prisoner at Montreal, now the com-
 manding officer at Newport, had signalized his zeal against 1777
 the rebels by offering a reward for the capture of Arnold,
 an insult which Arnold had retorted by offering half the
 amount for the capture of Prescott. Spies in Newport
 had sent information that Prescott quartered carelessly
 at a country house on the outskirts of the town; and a
 small party, with that express object in view, landed one
 night on the island and carried him off. Thus a second July 18
 time prisoner, he was held as a hostage for Lee, who had
 been captured much in the same way, and for whom
 Prescott was subsequently exchanged.

The northern department, again placed under the sole
 command of Schuyler, had been so bare of troops during
 the winter that serious apprehensions had been felt lest
 Ticonderoga might be taken by a sudden movement
 from Canada over the ice. The northern army was still
 very feeble; and the regiments designed to re-enforce it
 filled up so slowly, notwithstanding the offer of large ad-
 ditional bounties, that Massachusetts, Connecticut, and
 New Hampshire were obliged to resort to a kind of con-
 scription, a draft of militia men to serve for twelve
 months as substitutes till the regiments could be filled.
 In forming the first New England army, the enlistment
 of negro slaves had been specially prohibited; but re-
 cruits of any color were now gladly accepted, and many
 negroes obtained their freedom by enlistment.

The middle and southern colonies, whence Washing-
 ton's recruits were principally to come, were still more
 behindhand. Of the men enlisted in those states, many
 were foreign-born, redemptioners, or indented servants,
 whose attachment to the cause could not fully be relied
 upon. Congress had offered bounties in land to such

CHAPTER XXXVI Germans as might desert from the British, and Howe

now retorted by promising rewards in money to foreign-
 1777. ers deserting the American service. Congress, as a coun-
 tervailing measure, at Washington's earnest request re-
 linquished a plan they had adopted of stopping a portion
 of the pay of the indented servants in the army as a
 compensation to their masters for loss of service. That
 compensation was left to be provided for at the public
 expense, and the enlisted servants were all declared
 freemen.

Washington was still at Morristown, waiting with no
 little anxiety the movements of the British. The ex-
 pected re-enforcements and supplies, especially tents, the
 want of which had kept Howe from moving, had at last
 arrived. Burgoyne had assumed the command in Can-
 ada; but what his intentions were Washington did not
 know—whether he would advance by way of Lake
 Champlain, or, what seemed more probable, would take
 shipping in the St. Lawrence, and join Howe in New
 York. Nor could he tell whether Howe would move up
 the Hudson to co-operate with Burgoyne, or whether he
 would attempt Philadelphia; and if so, whether by land
 or water.

Philadelphia, however, seemed the most probable ob-
 ject of attack; and the more effectually to cover that
 city, leaving Putnam in the Highlands with a division
 May 28. of Eastern troops, Washington moved to a piece of strong
 ground at Middlebrook, about twelve miles from Prince-
 ton. He had with him forty-three battalions, arranged
 in ten brigades and five divisions; but these battalions
 were so far from being full, that the whole amounted to
 only eight thousand men.

June 13. Howe presently marched out of New Brunswick with
 : a powerful army, designing apparently to force his way

to Philadelphia. Washington called to his aid a large part of the troops in the Highlands; the Jersey militia turned out in force; Arnold, to whom had been assigned the command at Philadelphia, was busy with Mifflin in preparing defenses for the Delaware. It was Howe's real object not so much to penetrate to Philadelphia as to draw Washington out of his intrenchments, and to bring on a general engagement, in which, upon any thing like equal ground, the British general felt certain of victory. With that intent, he made a sudden and rapid retreat, evacuated New Brunswick even, and fell back to Amboy. The bait seemed to take; the American van, under Stirling, descended to the low grounds, and Washington moved with the main body to Quibbletown. But when Howe turned suddenly about, and attempted to gain the passes and heights on the American left, Washington, ever on the alert, fell rapidly back to the strong ground at Middlebrook. In this retrograde movement Stirling's division lost a few men and three pieces of artillery; but the American army was soon in a position in which Howe did not choose to attack it.

Defeated in this attempt to bring on a general action, and having made up his mind to approach Philadelphia by water, the British commander withdrew into Staten Island, where he embarked the main body of his army, not less than sixteen thousand strong, leaving Clinton, who had lately been honored with the Order of the Bath, to hold New York with five thousand men, and, by expeditions up the Hudson and into New Jersey, to co-operate as well with Burgoyne as with the attack upon Philadelphia.

Washington knew from spies, of whom he always had a number in New York, that a fleet of transports was

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CHAPTER fitting out there, but its destination was kept secret.
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Perhaps Howe meant to proceed up the Hudson to co-
1777. operate with Burgoyne; and the probability of such a
movement seemed to be increased by the arrival of news
that Burgoyne was advancing up Lake Champlain. Per-
haps, with the same object of aiding Burgoyne, Howe
might make an attempt upon Boston, thus finding em-
ployment at home for the New England militia, and pre-
venting any re-enforcements to Schuyler's army. Un-
der these impressions, Washington moved slowly toward
the Hudson; but when the British fleet went to sea, he
retraced his steps toward the Delaware; and news ar-
July 30. riving that the ships had been seen off Cape May, he ad-
vanced to Germantown. Instead of entering the Dela-
ware, the British fleet was presently seen steering to the
eastward, and all calculations were thus again baffled.
It was thought that Howe was returning to New York,
or had sailed for New England, and the army was kept
ready to march at a moment's notice. Washington, in
the interval, proceeded to Philadelphia, and there had an
interview with Congress.

At the commencement of the war, the aid of foreign
officers had been thought highly desirable, especially in
the departments of artillery and engineering, in which
there was a great deficiency of native skill and science.
It was one part of Deane's commission to engage a few
officers of this description, a matter in which he had gone
a good deal beyond his instructions. Beset with endless
solicitations, to which the fear of giving offense, and the
hope of securing influence, induced him too often to
yield, he had sent out not less than fifty officers of all
ranks, to whom he had made extravagant promises of
promotion, which occasioned great discontent among the
native officers, and no little embarrassment to Congress.

Greene, Sullivan, and Knox, in a joint letter, a few weeks before Washington's visit to Congress, had threatened to resign if a certain M. Du Coudray were promoted to the command of the artillery, with the rank of major general, agreeably to a contract which Deane had signed with him, in consideration of certain supplies which he had furnished. Congress, with a just sense of its dignity, voted this letter of the generals "an attempt to influence their decision, an invasion of the liberties of the people, and indicating a want of confidence in the justice of Congress," for which the writers were required to make an apology. Having consented to serve for the present as a volunteer, with a merely nominal rank, Du Coudray was drowned shortly after in crossing the Schuylkill. CHAPTER
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There was, indeed, among the American officers excessive jealousy and great heart-burnings on the subject of rank, precedence, and command, not only as to foreigners, but as to each other. Congress professed to be governed in its promotions by the complex considerations of former rank, meritorious service, and the number of troops raised by the states to which the officers respectively belonged. But the officers imagined, and not always without reason, that intrigue and personal favor had quite as much influence.

Among the contracts made by Deane was one with Du Portail, Laumoy, La Radière, and Du Govion, four engineer officers of merit, recommended by the French court, who were now placed at the head of the engineer department, thus completing the organization of the new army. Kosciusko, whose entry into the service has been already mentioned, was appointed engineer for the northern department.

The Count Pulaski, who had already gained distinction
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tion in Europe by his attempts to resist the first partition of Poland, had just arrived in America, and had 1777. offered his services to Congress

The foreign officers above named were persons of merit; but too large a proportion of those who came to seek commissions in America, whether sent by Deane, or adventurers on their own account, even some who brought high recommendations, were remarkable for nothing but extravagant self-conceit, and boundless demands for rank, command, and pay.

Of a very different character was the Marquis De la Fayette, a youth of nineteen, belonging to one of the most illustrious families of France, who had just arrived in America, and whom Washington now met at Philadelphia for the first time. Like all other French nobles of that day, he had received a military education, and held a commission in the French army. In garrison at Metz, he had been present at an entertainment given by the governor of that city to the Duke of Gloucester, brother of the British king, and on that occasion, from the duke's lips, he first heard the story of the American rebellion. His youthful fancy was fired by the idea of this transatlantic struggle for liberty, and, though master of an ample fortune, and married to a wife whom he tenderly loved, he resolved at once to adventure in it. For that purpose he opened a communication with Deane. His intention becoming known, the French court, which still kept up the forms of neutrality, forbade him to go. But he secretly purchased a ship, which Deane loaded with military stores, and set sail at a moment when the news of the loss of New York and the retreat through the Jerseys made most foreigners despair of the American cause. The French court sent orders to the West Indies to intercept him; but he sailed

directly for the United States, arrived in safety, presented himself to Congress, and offered to serve as a volunteer without pay. Admiring his disinterestedness not less than his zeal, and not uninfluenced by his rank and connections, Congress gave him the commission of major general which Deane had promised; but, for the present, content with the rank without any command, he entered the military family of Washington, for whom he soon contracted a warm and lasting friendship, which Washington as warmly returned. La Fayette brought with him eleven other officers; among them the Baron De Kalb, a German veteran, presently commissioned as major general.

While Howe's uncertain movements kept Washington in doubt, Sullivan, who had been left in New Jersey with his division, availed himself of the absence of the main British army to undertake an expedition against Staten Island, then held by about three thousand British troops, one third of whom were Loyalists, stationed nearest the Jersey shore, and a great scourge to the people of New Jersey, whom they plundered without mercy. Sullivan effected a landing with a thousand men, in three divisions, surprised two Loyalist regiments, and took a number of prisoners, who were sent off in a captured vessel. Seeing British uniforms on board this vessel, some of Sullivan's boats took the alarm and fled. His return was thus delayed by want of sufficient transportation, and his rear guard was cut off by a body of British regulars which came up from another part of the island. The papers and records of some of the quarterly meetings of the New Jersey Quakers having been taken by this expedition, Congress, from an examination of them, advised the council of Pennsylvania to arrest eleven leading and wealthy members of that sect, residents of

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CHAPTER Philadelphia, among others, Thomas Wharton, father of
XXXVI the president of Pennsylvania.

1777. In view of the danger of invasion, John Penn, joint proprietary and late governor of Pennsylvania, and Benjamin Chew, late chief justice, had been compelled, a few weeks before, to give their parole. They were now, by the advice of Congress, sent prisoners to Fredericksburg in Virginia, as were also such of the other arrested persons as refused to affirm allegiance to the State of Pennsylvania. Measures had already been taken to suppress the Tories, said to be very numerous in Sussex, the southern county of Delaware; and Congress now recommended to all the states to arrest all persons, Quakers or others, "who have, in their general conduct and conversation, evinced a disposition inimical to the cause of America;" also, to seize the papers of the Quaker yearly meetings, and to transmit the political part of their contents to Congress.

What added to the present feelings of alarm, disastrous news had arrived from the north, where events of the utmost importance were transpiring. The force in Canada at Burgoyne's disposal had been a good deal underrated by Washington and by Congress; nor could they be induced to believe that any thing was intended in that quarter beyond a feigned attack upon Ticonderoga, in order to distract attention from Philadelphia. Hence the less pains had been taken to fill up the ranks of the northern army, which, indeed, was much weaker than Congress had supposed. At least ten thousand men were necessary for the defense of Ticonderoga alone; but St. Clair, who commanded there, had only three thousand, very insufficiently armed and equipped. The posts in the rear were equally weak.

It was a part of Burgoyne's plan not merely to take .

Ticonderoga, but to advance thence upon Albany, and, with the co-operation of the troops at New-York, to get possession also of the posts in the Highlands. The British would then command the Hudson through its whole extent, and New England, the head of the rebellion, would be completely cut off from the middle and southern colonies.

Burgoyne started on this expedition with a brilliant army of eight thousand men, partly British and partly Germans, besides a large number of Canadian boatmen, laborers, and skirmishers. On the western shore of Lake Champlain, near Crown Point, he met the Six Nations in council, and, after a feast and a speech, some four hundred of their warriors joined his army. His next step was to issue a proclamation, in a very grandiloquent style, setting forth his own and the British power, painting in vivid colors the rage and fury of the Indians, so difficult to be restrained, and threatening with all the extremities of war all who should presume to resist his arms.

Two days after the issue of this proclamation, Burgoyne appeared before Ticonderoga. He occupied a steep hill which overlooked the fort, and which the Americans had neglected because they thought it inaccessible to artillery. Preparations for attack were rapidly making, and St. Clair saw there was no chance for his troops except in instant retreat. The baggage and stores, placed in bateaux, under convoy of five armed galleys, the last remains of the American flotilla, were dispatched up the narrow southern extremity of the lake to Skenesborough, now Whitehall, toward which point the troops retired by land, in a southeasterly direction, through the New Hampshire grants.

While General Fraser pursued the retreating troops,

CHAPTER XXXVI. followed by General Reidesel with a corps of Germans, Burgoyne forced the obstructions opposite Ticonderoga, 1777. and, embarking several regiments, he speedily overtook the American stores and baggage, all of which fell into his hands.

The garrison of Skenesborough, informed of Burgoyne's approach, set fire to the works, and retreated up Wood Creek to Fort Anne, a post about half way to the Hudson. They had a sharp skirmish with a British regiment which followed them; but other troops coming up, they set fire to the buildings at Fort Anne, and retired to Fort Edward.

The van of St. Clair's troops, at the end of their first day's march, had reached Castleton, a distance of thirty miles from Ticonderoga; but the rear, which included many stragglers, and amounted to twelve hundred men, contrary to St. Clair's express orders, stopped short at Hubbardton, six miles behind, where they were overtaken July 7. the next morning, and attacked by Fraser. One of the regiments fled disgracefully, leaving most of their officers to be taken prisoners. The other two regiments, under Francis and Warner, made a stout resistance; but when Reidesel came up with his Germans, they too gave way. Francis was killed, and many with him; some two hundred were taken prisoners. Those who escaped, though dispersed for the moment, reached St. Clair in detached parties. Warner, with some ninety men, came July 9. up two days after the battle. This was at Rutland, to which place St. Clair, having heard of the fall of Skenesborough, had continued his retreat. For some time his whereabouts was unknown, but, after a seven days' July 13. march, he joined Schuyler at Fort Edward, on the Hudson. Here was assembled the whole force of the northern army, amounting to about five thousand men; but

a considerable part were militia hastily called in ; many were without arms ; there was a great deficiency of am-
 munition and provisions ; and the whole force was quite
 disorganized. CHAPTER
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The region between Skenesborough and the Hudson was an almost unbroken wilderness. Wood Creek was navigable as far as Fort Anne ; from Fort Anne to the Hudson, over an exceedingly rough country, covered with thick woods, and intersected by numerous streams and morasses, extended a single military road. While Burgoyne halted a few days at Skenesborough to put his forces in order, and to bring up the necessary supplies, Schuyler hastened to destroy the navigation of Wood Creek by sinking impediments in its channel, and to break up the bridges and causeways, of which there were fifty or more on the road from Fort Anne to Fort Edward. At all those points where the construction of a side passage would be difficult, he ordered trees to be felled across the road with their branches interlocking. All the stock in the neighborhood was driven off, and the militia of New England was summoned to the rescue.

The loss of Ticonderoga with its numerous artillery, and the subsequent rapid disasters, came like a thunder-bolt on Congress and the northern states. " We shall never be able to defend a post," wrote John Adams, president of the Board of War, in a private letter, " till we shoot a general." Disasters, the unavoidable result of weakness, were ascribed to the incapacity or cowardice of the officers. Suggestions of treachery even were whispered ; and the prejudices of the New Englanders against Schuyler broke out with new violence. In the anger and vexation of the moment, all the northern generals were recalled, and an inquiry was ordered into their
 conduct ; but the execution of this order was suspended Aug. 1

CHAPTER on the representation of Washington that the northern
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1777. army could not be left without officers. Washington shared the general surprise and vexation; but he had confidence in Schuyler, and he did all in his power to re-enforce the northern army. Two brigades from the Highlands, Morgan with his rifle corps, the impetuous Arnold, and Lincoln, a great favorite with the Massachusetts militia, were ordered to the northern department. Washington declined the selection of a new commander tendered to him by Congress, and that selection, guided by the New England members, fell upon Gates.

Burgoyne meanwhile issued a new proclamation for a convention of ten deputies from each township, to assemble at Castleton, to confer with Governor Skene, and to take measures for the re-establishment of the royal authority. Schuyler, in a counter-proclamation, threatened the utmost rigor of the law of treason against all who complied with Burgoyne's propositions. Subsequently to the Declaration of Independence, the inhabitants of Vermont had organized themselves into an independent state, had applied to Congress for admission into the Union, and had adopted a Constitution. A Continental regiment had been raised and officered in Vermont, of which Warner had been commissioned as colonel. But Congress, through the influence of New York, disclaimed any intention to countenance the pretensions of Vermont to independence; and the Vermont petition for admission into the Union had been lately dismissed with some asperity. If Burgoyne, however, founded any hopes of defection upon this circumstance, he found himself quite mistaken.

The advance from Skenesborough cost the British infinite labor and fatigue; but beyond breaking up the roads and placing obstacles in their way, Schuyler was

not strong enough to annoy them. These impediments were at length overcome; and Burgoyne, with his troops, artillery, and baggage, presently appeared on the banks of the Hudson. The British army hailed with enthusiasm the sight of that river, object of their toil, which they had reached with great efforts indeed, but with an uninterrupted career of success, and a loss of not above two hundred men. CHAPTER XXXVI
1777. July 29

It now only remained for the British to force their way to Albany; nor did it seem likely that Schuyler could offer any serious resistance. His army, not yet materially increased, was principally composed of militia without discipline, the troops from the eastward very little inclined to serve under his orders, and constantly deserting. Fort Edward was untenable. As the British approached, the Americans crossed the river, and retired, first to Saratoga, and then to Stillwater, a short distance above the mouth of the Mohawk.

Hardly had Schuyler taken up this position, when news arrived of another disaster and a new danger. While moving up Lake Champlain, Burgoyne had detached Colonel St. Leger, with two hundred regulars, Sir John Johnson's Royal Greens, some Canadian Rangers, and a body of Indians under Brant, to harass the New York frontier from the west. St. Leger laid siege to Fort Schuyler, late Fort Stanwix, near the head of the Mohawk, then the extreme western post of the State of New York. General Herkimer raised the militia of Tryon county, and advanced to the relief of this important post, which was held by Gansevoort and Willett, with two New York regiments. About six miles from the fort, owing to want of proper precaution, Herkimer fell into an ambush. Mortally wounded, he supported himself against a stump, and encouraged his men to the Aug. 3
Aug. 6

CHAPTER XXXVI fight. By the aid of a successful sally by Willett, they succeeded at last in repulsing the assailants, but not without a loss of four hundred, including many of the leading patriots of that region, who met with no mercy at the hands of the Indians and refugees.

Tryon county, which included the whole district west of Albany, abounded with Tories. It was absolutely necessary to relieve Fort Schuyler, lest its surrender should be the signal for a general insurrection. Arnold volunteered for that service, and was dispatched by Schuyler with three regiments; with the rest of his army he withdrew into the islands at the confluence of the Mohawk and the Hudson, a more defensible station than the camp at Stillwater.

The command of Lake George, as well as of Lake Champlain, had passed into the hands of the British. That lake furnished a convenient means of transportation; a large quantity of provisions and stores for the British army had arrived at Fort George, and Burgoyne was exerting every effort for their transportation to his camp on the Hudson. The land carriage was only eighteen miles; but the roads were so bad, and the supply of draft cattle so small, that, after a fortnight's hard labor, the British army had only four days' provisions in advance.

"To try the affections of the country, to mount Reidesel's dragoons, to complete Peters's corps of Loyalists, and to obtain a large supply of cattle, horses, and carriages," so Burgoyne expressed himself in his instructions, it was resolved to send a strong detachment into the settlements on the left. Colonel Baum was sent on this errand, with two pieces of artillery and eight hundred men, dismounted German dragoons and British marksmen, with a body of Canadians and Indians, and Skene and a party of Loyalists for guides.

Langdon, the principal merchant at Portsmouth, and a member of the New Hampshire council, having patriotically volunteered the means to put them in motion, 1777. CHAPTER XXXVI.
 a corps of New Hampshire militia, called out upon news of the loss of Ticonderoga, had lately arrived at Bennington under the command of Stark. Disgusted at not having been made a brigadier, Stark had resigned his Continental commission as colonel, and, in agreeing to take the leadership of the militia, had expressly stipulated for an independent command. On that ground he had just declined to obey an order from Lincoln to join the main army—a piece of insubordination which might have proved fatal, but which, in the present case, turned out otherwise. Informed of Baum's approach, Stark sent off expresses for militia, and for Warner's regiment, encamped at Manchester, and joined by many fugitives since the battle of Hubberton. Six miles from Bennington, on the appearance of Stark's forces Baum began to intrench Aug. 14
 himself, and sent back to Burgoyne for re-enforcements. The next day was rainy, and Stark, also expecting re-enforcements, delayed the attack. Baum improved the interval in throwing up intrenchments. Breyman marched to his assistance, but was delayed by the rain and the badness of the roads, which also kept back Warner's regiment. Having been joined the next day by some Berk- Aug. 16
 shire militia under Colonel Simmons, Stark drew out his forces, and about noon approached the enemy. "There they are!" exclaimed the rustic general—"we beat today, or Molly Stark's a widow!" The assault was made in four columns, in front and rear at the same time, and after a hot action of two hours the intrenchments were carried. The Indians and provincials escaped to the woods; the Germans were mostly taken or slain. The battle was hardly over, and Stark's men were in a good

CHAPTER deal of confusion, when, about four in the afternoon, Brey-
 XXXVI. man was seen coming up. Warner's regiment luckily
 1777. arrived at the same time. The battle was renewed and
 kept up till dark, when Breyman abandoned his baggage
 and artillery, and made the best retreat he could. Be-
 sides the killed, about two hundred in number, the Amer-
 icans took near six hundred prisoners, a thousand stand
 of arms, as many swords, and four pieces of artillery—
 a seasonable supply for the militia now flocking in from
 all quarters. The American loss was only fourteen killed
 and forty-two wounded.

Just at the moment when a turn in the affairs of the
 northern department became fully apparent, the two brig-
 ades from the Highlands having arrived, and the militia
 fast pouring in, Schuyler, much to his mortification, was
 Aug 23. superseded by Gates. He still remained, however, at Al-
 bany, and gave his assistance toward carrying on the
 campaign. The day after Gates assumed the command,
 Morgan arrived with his rifle corps, five hundred strong,
 to which were presently added two hundred and fifty
 picked men under Major Dearborn, of Scammell's New
 Hampshire regiment.

The victory of Stark had a magical effect in reviving
 the spirits of the people and the courage of the soldiers.
 Indignation was also aroused by the cruelties reported
 of Burgoyne's Indian allies. A most pathetic story was
 told of one Jenny M'Rea, murdered by Indians near
 Fort Edward. Her family were Loyalists; she herself
 was engaged to be married to a Loyalist officer. She
 was dressed to receive her lover, when a party of In-
 dians burst into the house, carried off the whole family
 to the woods, and there murdered, scalped, and mangled
 them in the most horrible manner. Such, at least, was
 the story, as told in a letter of remonstrance from Gates

to Burgoyne. Burgoyne, in his reply, gave, however, a different account. According to his version, the murder was committed by two Indians sent by the young lady's lover to conduct her for safety to the British camp. They quarreled on the way respecting the division of the promised reward, and settled the dispute by killing the girl. Even this correction hardly lessened the effect of the story, or diminished the detestation so naturally felt at the employment of such barbarous allies.

The artful Arnold, while on his march for the relief of Fort Schuyler, had sent into St. Leger's camp a very exaggerated account of his numbers. The Indians, who had suffered severely in the battle with Herkimer, and who had glutted their vengeance by the murder of prisoners, seized with a sudden panic, deserted in large numbers. Two days before Arnold's arrival, St. Leger himself precipitately retired, leaving his tents standing, and the greater part of his stores and baggage to fall into Arnold's hands. On returning to Gates's camp, Arnold received the command of the left wing. Aug. 23

These checks were not without their effect on the Six Nations. Burgoyne's Indians began to desert him—an example which the Canadians soon followed. The Onondagas and some of the Mohawks joined the Americans. Through the influence of the missionary Kirkland, the Oneidas had all along been favorably disposed. It was only the more western clans, the Cayugas, Tuscaroras, and Senecas, which adhered firmly during the war to the British side.

The American army being now about six thousand strong, besides detached parties of militia under General Lincoln, which hung upon the British rear, Gates left his island camp, and presently occupied Behmus's Heights, a spur from the hills on the west side of the Hudson, jut-

CHAPTER XXXVI ting close upon the river. By untiring efforts, Burgoyne had brought forward thirty days' provisions, and, having
 1777. thrown a bridge of boats over the Hudson, he crossed to Saratoga. With advanced parties in front to repair the roads and bridges, his army slowly descended the Hudson; the Germans on the left, by a road close along the river; the British, covered by light infantry, provincials, and Indians, by the high ground on the right.

Gates's camp on the brow of Behmus's Heights formed a segment of a circle, convex toward the enemy. A deep intrenchment extended to the river on the right, covered not only by strong batteries, but by an abrupt and thickly-wooded ravine descending to the river. From the head of this ravine, toward the left, the ground was level and partially cleared, some trees being felled, and others girdled. The defenses here consisted of a breastwork of logs. On the extreme left, a distance of three quarters of a mile from the river, was a knoll, a little in the rear, crowned by strong batteries, and there was another battery to the left of the center. Between the two armies were two more deep ravines, both wooded. An
 Sept. 19. alarm being given about noon that the enemy was approaching the left of the encampment, Morgan was sent forward with his riflemen. Having forced a picket, his men, in the ardor of pursuit, fell unexpectedly upon a strong British column, and were thrown into temporary confusion. Cilley's and Scammell's New Hampshire regiments were ordered out to re-enforce him. Hale's regiment of New Hampshire, Van Courtlandt's and Henry Livingston's of New York, and two regiments of Connecticut militia, were successively led to the field, with orders to extend to the left, and support the points where they perceived the greatest pressure. About three o'clock the action became general; and till nightfall the fire of

musketry was incessant. The British had four field-
 pieces; the ground occupied by the Americans, a thick
 wood on the borders of an open field, did not admit the
 use of artillery. On the opposite side of this field, on a
 rising ground, in a thin pine wood, the British troops
 were drawn up. Whenever they advanced into the open
 field, the fire of the American marksmen drove them back
 in disorder; but when the Americans followed into the
 open ground, the British would rally, charge, and force
 them to fall back. The field was thus lost and won a
 dozen times in the course of the day. At every charge
 the British artillery fell into possession of the Americans,
 but the ground would not allow them to carry off the
 pieces, nor could they be kept long enough to be turned
 on the enemy. Late in the afternoon, the British left
 being re-enforced from the German column, General
 Learned was ordered out with four regiments of Massa-
 chusetts and another of New York. Something decisive
 might now have occurred, but the approach of night broke
 off the contest, and the Americans withdrew to their camp,
 leaving the field in possession of the British. They en-
 camped upon it, and claimed the victory; but if not a
 drawn battle, it was one of those victories equivalent to
 a defeat. The British loss was upward of five hundred,
 the American less than three hundred. To have held
 their ground in the circumstances in which the armies
 stood, was justly esteemed by the Americans a decided
 triumph.

In anticipation of an action, Gates had ordered the
 detached corps to join him. Stark, with the victors of
 Bennington, had arrived in camp the day before. Their
 term of service, however, expired that day; and satisfied
 with laurels already won, in spite of all attempts to de-
 tain them, they marched off the very morning of the bat-

CHAPTER XXXVI. In consideration of his courage and good conduct as
 1777. Bennington, Congress overlooked the insubordination of
 Oct. 4. Stark, which, in a resolution just before, they had point-
 edly condemned, and he was presently elected a brigadier.
 Oct. 20. Howe and M'Dougall about the same time were chosen
 major generals.

Before receiving Gates's orders to join the main body,
 a party of Lincoln's militia, led by Colonel Brown, had
 Sept. 17. surprised the posts at the outlet of Lake George, and had
 taken three hundred prisoners, also several armed vessels,
 and a fleet of bateaux employed in transporting provisions
 up the lake. Uniting with another party under Colonel
 Johnson, they approached Ticonderoga, and beleaguered
 it for four days. Burgoyne's communications thus en-
 tirely cut off, his situation became very alarming, and he
 began to intrench. His difficulties increased every mo-
 ment. Provisions were diminishing, forage was exhaust-
 ed, the horses were perishing. To retreat with the ene-
 my in his rear was as difficult as to advance.

A change of circumstances not less remarkable had
 taken place in the American camp. Gates's army was
 increasing every day. The battle of Behmus's Heights
 was sounded through the country as a great victory, and
 the harvest being now over, the militia marched in from
 all sides to complete the overthrow of the invaders. Lin-
 coln, with the greater part of his militia, having joined
 Sept. 22. the army, he received the command of the right wing.
 Arnold, on some quarrel or jealousy on the part of Gates,
 had been deprived, since the late battle, of his command
 of the left wing, which Gates assumed in person. Gates
 was neither more able nor more trustworthy than Schuy-
 ler; but the soldiers believed him so; and zeal, alacrity,
 and obedience had succeeded to doubts, distrust, and in-
 subordination. Yet Gates was not without his diffi-

aulties. The supply of ammunition was very short, and the late change in the commissariat department, taking place in the midst of the campaign, made the feeding the troops a matter of no little anxiety. CHAPTER XXXVI.

There was still one hope for Burgoyne. A letter in cipher, brought by a trusty messenger from Clinton, at New York, informed him of an intended diversion up the Hudson; and could he maintain his present position, he might yet be relieved. But his troops, on short allowance of provisions, were already suffering severely, and it was necessary either to retreat or to find relief in another battle. To make a reconnaissance of the American lines, he drew out fifteen hundred picked men, and formed them less than a mile from the American camp. The two camps, indeed, were hardly cannon-shot apart. As soon as Burgoyne's position was discovered, his left was furiously assailed by Poor's New Hampshire brigade. The attack extended rapidly to the right, where Morgan's riflemen maneuvered to cut off the British from their camp. Gates did not appear on the field any more than in the former battle; but Arnold, though without any regular command, took, as usual, a leading part. He seemed under the impulse of some extraordinary excitement, riding at full speed, issuing orders, and cheering on the men. To avoid being cut off from the camp, the British right was already retreating, when the left, pressed and overwhelmed by superior numbers, began to give way. The gallant Fraser was mortally wounded, picked off by the American marksmen; six pieces of artillery were abandoned; and only by the greatest efforts did the British troops regain their camp. The Americans followed close upon them, and, through a shower of grape and musketry, assaulted the right of the British works. Arnold forced an entrance; but he

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1777. was wounded, his horse was shot under him as he rode into one of the sally-ports, and his column was driven back. Colonel Brooks, at the head of Jackson's regiment of Massachusetts, was more successful. He turned the intrenchments of a German brigade, forced them from the ground at the point of the bayonet, captured their camp equipage and artillery, and, what was of still more importance, and a great relief to the American army, an ample supply of ammunition. The repeated attempts of the British to dislodge him all failed, and he remained at night in possession of the works. Darkness at length put an end to the fighting; but the Americans slept on their arms, prepared to renew it the next morning. The advantages they had gained were decisive. The British had lost four hundred men in killed, wounded, and prisoners; artillery, ammunition, and tents had been captured; and the possession of a part of the works by the Americans would enable them to renew the attack the next day with every chance of success. For the safety of the British army, a change of position was indispensable; and, while the Americans slept, the British general, with skill and intrepidity, order and silence, drew back his discomfited troops to some high grounds in the rear, where the British army appeared the next morning drawn up in order of battle. That day was spent in skirmishes. While attempting to reconnoiter, General Lincoln was severely wounded, and disabled from further service. Fraser was buried on a hill he had designated, amid showers of balls from the American lines. The Baroness de Reidesel, who followed the camp with her young children, and whose quarters were turned into a sort of hospital for the wounded officers, has left a pathetic account of the horrors of that day, and of the retreat that followed.

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To avoid being surrounded, Burgoyne was obliged to abandon his new position, and, with the loss of his hospitals and numerous sick and wounded, to fall back to Saratoga. The distance was only six miles; but the rain fell in torrents, the roads were almost impassable, the bridge over the Fishkill had been broken down by the Americans, and this retrograde movement consumed an entire day. The same obstacles prevented, however, any serious annoyance from the American troops. During this retreat, the better to cover the movements of the army, General Schuyler's house at Saratoga and extensive saw-mills were set on fire and destroyed. A body of artificers, sent forward under a strong escort to repair the bridges toward Fort Edward, found that road and the ford across the Hudson already occupied by the Americans. The fleet of bateaux, loaded with the British supplies and provisions, was assailed from the left bank of the river, and many of the boats were taken. The lading of the others was only saved by a most laborious and difficult transportation, under a sharp American fire, up the steep river bank to the heights occupied by the British army. Even the camp itself was not safe; grape and rifle balls fell in the midst of it.

Burgoyne's situation was truly deplorable. He had heard nothing further from New York, and his effective force was now reduced to four thousand men, surrounded by an enemy three times as numerous, flushed with success, and rapidly increasing. All the fords and passes toward Lake George were occupied and covered by intrenchments; and even should the baggage and artillery be abandoned, there was no hope of forcing a passage. An account of the provisions on hand showed only three days' supply. The troops, exhausted with hunger and fatigue, and conscious of their hopeless situation, could

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CHAPTER not be depended on, especially should the camp be attack-
XXXVI ed. A council of war, to which not field officers only,
1777. but all the captains commandant were summoned, advised to open a treaty of capitulation.

Gates demanded, at first, an unconditional surrender; but to that Burgoyne would not submit. The American commander was the less precise about terms, and very eager to hasten matters, lest he too might be attacked in the rear. He knew, though Burgoyne did not, that the intended diversion from New York, delayed for some time to await the arrival of forces from Europe, had at length been successfully made, and that all the American posts in the Highlands had fallen into the hands of the British. Should Burgoyne continue to hold out, this new enemy might even make a push on Albany.

The main defenses of the Highlands, Forts Clinton and Montgomery, on the west bank of the Hudson, separated from each other by a small stream, and too high to be battered from the water, were surrounded by steep and rugged hills, which made the approach to them on the land side very difficult. To stop the ascent of the enemy's ships, frames of timber, with projecting beams shod with iron, had been sunk in the channel. A boom, formed of great trees fastened together, extended from bank to bank; and in front of this boom was stretched a huge iron chain. Above these impediments several armed vessels were moored. On an island a few miles higher up, and near the eastern bank of the river, was Fort Constitution, with another boom and chain. Near the entrance of the Highlands, and below the other posts, Fort Independence occupied a high point of land on the east bank of the river. It was at Peekskill, just below Fort Independence, that the commanding officer in the Highlands usually had his head-quarters. The two brigades

sent to the northern army, and other detachments which Washington had himself been obliged to draw from the Highlands, had so weakened the regular garrison, that Washington became much alarmed for the safety of that important post. The remainder of the New York militia, not under arms in the northern department, had been called out by Governor Clinton to supply the place of the detached regulars; other militia had been sent from Connecticut; but, as no signs of immediate attack appeared, and as the harvest demanded their services at home, Putnam allowed most of them to return. Half the New York militia were ordered back again by Clinton; but, before they had mustered, the posts were lost. Putnam was at Peekskill with the main body of the garrison, which amounted in the whole to not more than two thousand men. While a party of the enemy amused him with the idea that Fort Independence was their object, a stronger party landed lower down, on the other side of the river, and, pushing inland through the defiles of the Highlands, approached Forts Clinton and Montgomery, of which the entire garrison did not exceed six hundred men. Before assistance could be sent by Putnam—indeed, before he knew of the attack—the forts, much too extensive to be defended by so small a force, were both taken. Governor Clinton, who commanded; his brother, General James Clinton, and a part of the garrison, availing themselves of the knowledge of the ground, escaped across the river; but the Americans suffered a loss of two hundred and fifty in killed and prisoners. Fort Constitution was immediately evacuated by the few troops that held it; and two new Continental frigates, with some other vessels, were set on fire to prevent their falling into the hands of the enemy. Even Peekskill and Fort Independence were abandoned, the stores being conveyed to

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CHAPTER Fishkill, whither Putnam retired with his forces. The
XXXVI booms and chains were removed, so that ships could pass

1777. up; and a British detachment under Tryon burned Con-
Cct. 6. tinental Village, a new settlement on the east side of
the river, where many public stores were deposited.

Informed of these movements, and very anxious to
Oct 16. have Burgoyne's army out of the way, Gates agreed that
the British troops should march out of their camp with
the honors of war, should lay down their arms, and be
conducted to Boston, there to embark for England, under
an engagement not to serve against the United States
till exchanged. Having heard from a deserter of the
advance of Clinton, Burgoyne hesitated to ratify the
treaty; but, on consideration, and consultation with his
officers, he did not choose to run the risk of breaking it.
The prisoners included in this capitulation were five
thousand six hundred and forty-two; the previous losses
of the army amounted to near four thousand more. The
arms, artillery, baggage, and camp equipage became the
property of the captors. The German regiments con-
trived to save their colors by cutting them from the
staves, rolling them up, and packing them away with
Madame de Reidesel's baggage.

As soon as the garrison of Ticonderoga heard of the
surrender, they hastily destroyed what they could, and
retired to Canada. Putnam no sooner heard of it than
he sent pressing dispatches for assistance. The British
had proceeded as high up as Esopus, which they burned
about the very time that Burgoyne was capitulating.
Putnam had been already joined by some three thousand
militia, to which a large detachment from Gates's army
was soon added. As it was now too late to succor Bur-
goyne, having dismantled the forts in the Highlands, the
British returned to New York, carrying with them sixty-

seven pieces of heavy artillery, and a large quantity of provisions and ammunition. Before their departure, they burned every house within their reach—a piece of malice ascribed to Tryon and his Tories. 1777.

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The capture of a whole British army, lately the object of so much terror, produced, especially in New England, an exultation proportionate to the recent alarm. The military reputation of Gates, elevated to a very high pitch, rivaled even the fame of Washington, dimmed as it was by the loss of Philadelphia, which, meanwhile, had fallen into the enemy's hands. The youthful Wilkinson, who had acted during the campaign as deputy adjutant general of the American army, and whose "Memoirs" contain the best account of its movements, being sent to Congress with news of the surrender, was henceforth honored with a brevet commission as brigadier general; which, however, he speedily resigned, when he found a remonstrance against this irregular advancement sent to Congress by forty-seven colonels of the line. The investigation into Schuyler's conduct resulted, a year afterward, in his acquittal with the highest honor. He insisted, however, on resigning his commission, though strongly urged by Congress to retain it. But he did not relinquish the service of his country, in which he continued as active as ever, being presently chosen a member of Congress.

CHAPTER XXXVII.

LOSS OF PHILADELPHIA. WINTER QUARTERS AT VALLEY FORGE. INCREASING DEPRECIATION OF THE PAPER MONEY. FINANCIAL EXPEDIENTS. CABAL AGAINST WASHINGTON. DETENTION OF BURGOYNE'S TROOPS.

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WE left Washington at Philadelphia, still uncertain as to the destination of Howe's fleet and army. The transports had been seen standing to the southward, and it began to be imagined that Charleston was their object. Authentic intelligence was at length received that the British ships had entered the Chesapeake, which, indeed, had been Howe's intention from the beginning. The accounts he had received of the obstructions in the Delaware had induced him to select the head of Chesapeake Bay as the point whence Philadelphia might be easiest approached. He hoped, too, perhaps, to be aided by a Tory insurrection among the numerous disaffected in that region.

Howe's appearance in the Chesapeake alarmed Virginia. The militia was called out, and Thomas Nelson, a wealthy planter, one of the signers of the Declaration of Independence, was placed at their head.

After considerable delays by contrary winds, Howe landed at the head of Elk, the northeasternmost branch of Chesapeake Bay, whence he issued a declaration, offering pardon to those who had been active in the rebellion, if they would now submit, and security and protection to all who remained peaceably at home.

A few days after, as soon as his stores and baggage

could be landed, he commenced his march in two columns for Philadelphia, distant about sixty miles.

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Having given courage to the partisans of Congress, 1777. and inspired the disaffected with respect, by marching Sept. 2. his army through Philadelphia, Washington concentrated his forces at Wilmington, there to await the approach of the enemy, under circumstances, however, in several respects, much less favorable than those which enabled the northern army so successfully to repel the cotemporaneous advance of Burgoyne. Here was no rough, impracticable country to delay the enemy's march; nor any difficulty to be encountered by Howe in obtaining or transporting supplies. Here was no New England to pour in militia, and to surround the enemy with an overwhelming force. The same zeal was not felt in Pennsylvania; a large part of the Quakers, a wealthy and influential class, were disaffected, or, at best, neutral; while the German population cared little for the war, except how to escape its burdens. The Pennsylvania militia, as organized by a recent act of Assembly, counted thirty thousand men; but the largest number at any one time which the loudest calls could bring into the field did not exceed three thousand. These militia were commanded by Armstrong, who had resigned his Continental commission, but who now exerted himself for the defense of the state. Delaware, also, had many disaffected; but a corps of her militia took the field under Cæsar Rodney. The Jersey militia turned out under General Philemon Dickinson; but a part of them were soon recalled, and stationed at Elizabethtown and Amboy, in consequence of a movement by Sir Henry Clinton, who retorted the late attack on Staten Island by invading New Jersey with Sept. 12. two thousand troops, penetrating the country in various directions, and driving off the cattle.

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With all these re-enforcements, Washington was still inferior to the enemy even in numbers. He had about 1777. fifteen thousand men ; but the sick, as usual, were very numerous, and his effective force did not exceed eleven thousand. The militia of Maryland and Virginia called to assist him had not yet arrived.

Sept. 11. After some maneuvering and several skirmishes, Washington retired behind the Brandywine, a small stream every where fordable. While one column of the British army, under Kniphausen, approached Chadd's Ford, and threatened the Americans in front, another column, led by Cornwallis, made a great circuit to the left, crossed the Brandywine higher up, and attempted to gain the American rear. Sullivan, who commanded the American right, marched with three divisions to intercept Cornwallis. But, deceived by false information, and delayed by contradictory reports, he was late in coming up, and before his line was well formed it was attacked by the enemy. The extreme right, the last to reach the ground, soon began to give way. Their flank thus exposed, the battalions continued to break off by the right, till presently the whole line retreated in confusion. Greene, who commanded the reserve, brought up his division, checked the advance of the enemy, and covered the retreat. While the main force of the Americans was thus drawn off, Kniphausen advanced with his column on Chadd's Ford, which Wayne bravely defended with Lincoln's division. But, informed of Sullivan's retreat, and quite unable to cope with half the British army, he too fell back, and yielded up the ford. The American army retired to Chester, and the next day to Philadelphia, and thence to Germantown. The behavior of the troops had been by no means uniform. Several of the older regiments had stood their ground with the greatest intrepidi-

ty, while others of the newer levies had given way at once. The British loss in killed and wounded was about CHAPTER XXXVII. six hundred. That of the Americans was greater; but, 1777. as no returns were ever made, it was never accurately ascertained. Congress and the Board of War had adopted the policy of ordering an inquiry into the conduct of every officer who failed of success. It was but a few weeks before that Schuyler, and all the generals of the northern army, had been recalled; Sullivan's recent miscarriage at Staten Island had also been referred to a court of inquiry. The present defeat was laid at his door, and an attempt was made to suspend him from command till the inquiry into his conduct already ordered could take place; but, on Washington's representation that his services in the field could not be spared, this attempt was abandoned. The inquiry resulted afterward in an honorable acquittal. The first of Sullivan's brigades to give way was one of Maryland troops, commanded by Deborre, a lately promoted foreign officer. Though wounded in his efforts to rally the men, Deborre was recalled from the army, and subjected to a court of inquiry; whereupon he threw up his commission, declaring that if the Americans would run, it was very hard to hold him responsible for it. Pulaski, who served in this action as a volunteer, did such good service in collecting the scattered troops and covering the retreat, that Congress, in compliance with the recommendation of Washington, gave him the rank of brigadier general, and the command of the horse.

The evening after the battle, a British party entered Sept 12 Wilmington, made M'Kinley, the president of the state, a prisoner, and seized a vessel, on board of which were the public records and money, and much private property. George Read, a delegate in Congress, and, at the

CHAPTER same time, vice-president of the State of Delaware, who
XXXVII succeeded in that capacity to the vacant office. He la-

1777. mented, without much ability to remedy, the indifference and disaffection which crippled the energies of his little state. At the next election, the more energetic party prevailed, and Cæsar Rodney was chosen president.

After a day or two of rest and refreshment, Washington recrossed the Schuylkill and marched upon the British left. The armies met twenty miles from Philadelphia, and the advanced parties were already engaged, when a violent storm interrupted the impending battle. The arms of the Americans, bad enough at best, were rendered unserviceable by the rain; and, to secure time and opportunity for repairs, Washington retired across the Schuylkill. Wayne's division, however, was left behind, concealed in a wood on the British left, to form a junction with two thousand Maryland militia employed in harassing the British rear. Information as to Wayne's position was soon carried to the British commander by some of the disaffected, so numerous in that neighborhood; and, under their guidance, he was suddenly attacked by a strong detachment, and obliged to retire with the loss of three hundred men. The British loss was only seven.

While Washington maneuvered to prevent the enemy from crossing the Schuylkill above him, Howe crossed below, and thus placed himself between Philadelphia and the American army. Nothing but a battle and a victory could now save that city. Washington's troops, inferior in numbers, had been much fatigued and harassed by their recent marches. They were sadly deficient in shoes and clothing; their arms were bad; while the irregular supplies consequent on the recent changes in the commissary department, and the increasing financial embarrassment of Congress, had even sometimes de-

prived them of food. Under these circumstances, it seemed too hazardous to risk a battle.

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The necessity of abandoning Philadelphia had been foreseen. The hospitals, magazines, public stores, and much private property had been already removed. Congress had adjourned to Lancaster, having first invested Washington with extraordinary powers, to last for sixty days, presently extended to double that period. He was authorized by this vote, as on the former occasion, to suspend misbehaving officers, to fill all vacancies, to take provisions and other necessities for the army wherever he could find them, within seventy miles of headquarters, paying the owners therefor, or giving certificates, for the redemption of which the public faith was pledged. He was also authorized to remove or secure, for the benefit of the owners, all goods which might prove serviceable to the enemy.

Retiring beyond the Susquehanna to York, Congress presently authorized Washington, in addition to his other extraordinary powers, to seize, to try by courts martial, and to punish with death all persons within thirty miles of any town occupied by the British, who should pilot them by land or water, give or send them intelligence, or furnish them with provisions, arms, forage, fuel, or stores of any kind.

To the youthful Hamilton, now one of his aids-de-camp, Washington had committed the delicate trust of demanding in Philadelphia, before it passed into the enemy's hand, blankets, shoes, and clothing for the supply of the army—a duty which Hamilton executed with his usual promptitude and tact.

Howe found in Philadelphia many to welcome him Sept. 25—among others, Duché, the late chaplain of Congress, who presently sent a letter to Washington, advising

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him to give over the ungodly cause in which he was engaged. Four regiments were quartered in the city; 1777. Galloway, who had accompanied the army, was made superintendent of police. The bulk of the British encamped at Germantown, some ten miles distant.

Though obliged to give up the city, the Americans still commanded the river below, which they had been at great pains to fortify. At the confluence of the Schuylkill and the Delaware was Fort Mifflin, built on a low island of sand and mud. Opposite, at Red Bank, on the Jersey shore, was Fort Mercer, a strong redoubt, well provided with heavy artillery. Obstructions had been sunk in the channel of the Delaware, similar to those in the Hudson, consisting of heavy timbers fastened together, with projecting beams pointed with iron. At Billingsport, on the Jersey shore, three miles lower down, extensive but unfinished works had been thrown up to guard some similar obstructions in the river. Above these obstructions were several floating batteries and armed vessels. The British fleet had recently arrived in the Lower Delaware; but, till these obstructions were removed, which could only be done by obtaining possession of the Jersey shore, no communication could be opened with Philadelphia; and supplies for the army had to be sent up by land from Chester, at great risk of capture by the Americans.

Washington still remained in his camp near the Schuylkill, about fourteen miles from Germantown, where he had at last been joined by the Maryland militia, diminished, however, by desertion to one half the expected number. Some re-enforcements had also arrived from New Jersey. Informed by intercepted letters that one British detachment had been sent across the Delaware to aid in removing the obstructions in the river, and an-

other to Chester, to escort up a train of provisions from the fleet, Washington resolved to take advantage of this opportunity to attack the British camp at Germantown. 1777. The troops marched in four columns; two, composed wholly of militia, were to gain the enemy's rear, one on each flank, while the other two, composed of Continentals, and led by Sullivan and Greene, were to attack in front. These two columns, after marching all night, entered Germantown about sunrise. They took the enemy entirely by surprise, and seemed likely to carry every thing before them. But the morning was dark and foggy; a stone house, into which some companies of British light infantry had thrown themselves, and which several battalions of Greene's column stopped to attack, caused disorder and delay. Germantown was a village of one street, across which the British lay encamped at right angles. The ground in their front abounded with small but strong inclosures, which every where broke the line of the advancing troops. The battalions were separated; some stopped short early, while others advanced with vivacity. The darkness was such as to make it impossible for the officers to know their own position or that of the enemy. The flank attacks seemed to have failed altogether. The superior discipline of the British enabled them to take advantage of this confusion. They soon rallied, and attacked in their turn. Some of the American corps had expended their ammunition; others were seized with a sudden panic. What had promised to be a victory was soon changed into a defeat, and almost a rout. The British loss in this battle was upward of six hundred; the American loss exceeded a thousand, including General Nash and other valuable officers. For misbehavior in this battle, Stephen, whose drunkenness had become notorious, was tried and cashiered.

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To make himself secure, Washington retired some twenty miles into the country. He had previously sent 1777. orders to the Highlands for twelve hundred men of the garrison there to march to his assistance. Information came at this unpropitious moment that the posts, thus weakened, had been attacked, and carried by the British. The apprehensions thus excited were, however, allayed by news of the surrender of Burgoyne. The troops from the Highlands soon joined the camp; some additional militia arrived from Maryland and a few from Virginia, and Washington reoccupied his old station.

Dec. 19. Preparatory to an attack on the defenses of the Delaware, Howe drew his forces close to Philadelphia. The works at Billingsport had been already captured, the obstructions in the river opposite removed, and batteries erected to play on Forts Mercer and Mifflin. Besides several Continental vessels, there was a flotilla in the river, commanded by Hazelwood, belonging to the State of Pennsylvania. In an attack on the enemy's batteries, the Delaware Continental frigate had been lost; and the crews of the flotilla were so discouraged, that many, both officers and men, deserted to the enemy. But Hazelwood did not despair. With the Pennsylvania galleys and the Continental vessels, now also placed under his command, he prepared for a desperate resistance. Two Rhode Island regiments, under Colonel Greene, one consisting entirely of negro soldiers, garrisoned the fort at Red Bank; Colonel Smith, of the Maryland line, held Fort Mifflin. These forts, with the last remaining obstructions which they guarded, it was determined to hold to the last extremity. Could the communication between the British fleet and army be prevented, Howe might yet be compelled to evacuate the city.

To attack the post at Red Bank, Count Donop, with

twelve hundred picked men, crossed the Delaware at Philadelphia, and marched down the Jersey side, while several British ships of war ascended the river as high as the obstructions would admit, and opened a furious cannonade on Fort Mifflin and the flotilla. On Donop's approach, Greene abandoned the outworks of Red Bank, and retired into the principal redoubt. The assaulting column was received with a terrible fire of musketry and grape; Donop fell mortally wounded, and the attack was repulsed with a loss to the enemy of four hundred men. This was the first assault in the course of the war which the Americans had repulsed. Of the ships which assailed Fort Mifflin, the Augusta sixty-four was blown up, the Merlin frigate was burned, and the others retired with heavy damage.

Every effort was made to strengthen and supply the forts in the Delaware; but the hopes raised by the defense of Red Bank were doomed to disappointment. The British, re-enforced from New York, took possession of Province Island, a low mud bank similar to Mud Island, and separated from it only by a narrow channel. Here they erected batteries, which kept up a constant fire on Fort Mifflin. The defense was most gallant; the garrison laboring by night to repair the breaches made during the day. But this could not last long; the ramparts crumbled under the continued fire; the enemy's ships approached within a hundred yards of the fort; and the place was pronounced no longer tenable. The garrison was accordingly withdrawn; Red Bank also was evacuated; the remaining obstructions in the river were removed by the British, and a communication was at last opened between the enemy's fleet and army.

During these operations, Washington had written repeatedly to Putnam and Gates to send or re-enforce.

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ments from the Highlands and the northern army
When these letters seemed not to be attended to, he dis
1777. patched Hamilton with ample powers and discretionary
authority to hasten forward the troops. Gates had sent
to the southward more than five thousand men; but
these forces were detained by Putnam, who now had nine
thousand men, besides the militia which had recently
joined him. He seemed to be revolving some scheme
for retaliating his late loss of the Highlands by an attack
on New York, and it required a very pointed and au-
thoritative letter from Hamilton, who does not seem to
have formed a very high opinion of Putnam's military
capacity, to put on the march the troops which Wash-
ington had demanded. Hamilton then proceeded to Al-
bany, and, not without some reluctance on the part of
Gates, obtained two additional brigades. They did not
arrive, however, any more than the troops from Putnam's
camp, till after the British had gained the command of
the Delaware.

Some of Washington's more ardent officers were earn-
est for an attack on Philadelphia; but, after mature con-
sideration by a council of war, that scheme was aban-
doned.

Congress meanwhile, in session at York, on the west
side of the Susquehanna, determined to establish a new
Board of War, to be composed of persons not members
of Congress. John Adams, thus released from his ardu-
ous duties as head of the war department, was sent to
France as one of the commissioners to that court, Deane
being recalled to give an account of his conduct, espe-
cially in the matter of the extravagant promises which
he had made to foreign officers.

Having acted for two years and more as president of
Nov. Congress, Hancock resigned, and was succeeded by Henry

Laurens, of South Carolina. The Articles of Confederation, the consideration of which had been resumed in April, CHAPTER XXXVII having been agreed to at last after repeated and warm 1777. debates, were now sent out with a circular letter, urging Nov. 17 upon the states immediate ratification. But, on the part of some of the states, ratification was long delayed.

A more urgent subject of deliberation was that of finance. Since the issue of the ten millions of new bills authorized early in the year, to which two millions more had been added in August, the depreciation had become alarming. Anxious to fill their treasury without further issues, Congress had pressed the subject of loans, and, as a new inducement to lenders, had offered to pay the interest on all money advanced before March, 1778, in bills drawn on their commissioners in France. It became necessary, however, to authorize a million more of Nov. Continental bills, and another million soon after, making Dec the amount issued up to the end of the year thirty-four millions. The depreciation, meanwhile, increased so rapidly, that the bills, nearly at par for the first three months of the year, had sunk, by the end of it, to three or four for one. Credit failing at home, Congress looked earnestly abroad, and their commissioners at the courts of France and Spain were instructed anew to exert their utmost endeavors to obtain loans.

The scheme for regulating prices by law had proved a complete failure; so much so, that a convention of delegates from New England and New York, assembled at Springfield during the past summer to concert measures July 30 for the defense of Rhode Island and for an attack on Newport, had recommended the repeal of all acts for regulating prices, and to substitute for them laws against forestalling and engrossing, by which was meant the accumulation of stocks in the hands of merchants and

CHAPTER speculators. This same convention also recommended
XXXVII the redemption of all state issues, and the levying of
 1777. taxes for the support of the war—a policy already adopt-
 ed by Massachusetts and some other states.

The doings of the Springfield Convention being laid
 Nov. 22. before Congress, that body acknowledged the already ex-
 cessive issues of paper, and earnestly recommended to the
 several states to raise by taxation, for the service of the
 ensuing year, five millions of dollars for the federal treas-
 ury, according to a provisional assignment of quotas.
 Congress also recommended to refrain from the further
 issue of state bills of credit; to call in and redeem those
 already out exceeding one dollar in amount; and to pro-
 vide for state expenses in future by taxes to be levied
 within the year. Three conventions were also proposed—
 one for the eight northern states, another for Maryland,
 Virginia, and North Carolina, and a third for South Car-
 olina and Georgia; to meet early the next year, for the
 purpose of fixing a new scale of prices, to be enacted and
 enforced by the several state Legislatures; the Continent-
 al commissaries to be authorized to seize goods at those
 prices when the holders of superfluous stocks refused to
 sell them.

Nov. 27. A recommendation followed to make speedy sale of
 all property belonging to persons "who had forfeited the
 right to the protection of their several states," the pro-
 ceeds to be invested in loan-office certificates. So far as
 forfeiture and sale were concerned, this recommendation
 was not unheeded. Acts already had been, or soon were
 passed, in most of the states, proscribing all wealthy
 absentees by name, and putting their property into the
 hands of trustees—the proceeds, after paying their debts,
 and making some provision for their families when resi-
 dent, to be paid into the state treasuries. As a finan-

cial expedient, this procedure proved a complete failure; but it gratified party hatred, and served to enrich some speculators. CHAPTER XXXVII.
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The disaffected, it was said, combined to give a preference to the old colonial paper money over that of revolutionary origin; and the states were advised to call in and replace by their own, or by Continental bills, all circulating paper bearing date prior to the battle of Lexington. Dec. 3.

The pressing wants of the soldiers occasioned a further recommendation to seize for the army's use all woolens, blankets, stockings, shoes, and hats in the hands of any citizen of the United States for the purpose of sale, giving receipts for the same, and to inflict penalties on all who should attempt to evade such seizure; also, to authorize the Continental commissaries to seize, under similar receipts, all stock and provisions necessary for the army, "purchased up or engrossed by any person with a view of selling the same." For the restraint of persons "endeavoring, by every means of oppression, sharpening, and extortion, to procure enormous gains," it was recommended to limit the number of retail traders, and to impose bonds upon them to observe all laws made for their regulation. Conscious of the arbitrary harshness of these recommendations, Congress, in the circular letter which proposed them, declared that "laws unworthy the character of infant republics are become necessary to supply the defects of public virtue, and to correct the vices of some of her sons." Dec. 31.

The immediate occasion of this recommendation was a transaction at Boston, as to which Congress complained that, after their agent had agreed to purchase a certain quantity of clothing "at the most extravagant rate of ten to eighteen hundred per cent.," the sellers even then re-

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fused to deliver the goods unless the money were first paid down, "thereby adding to extortion the crime of wounding the public credit," and "manifesting a disposition callous to the feelings of humanity, and untouched by the severe sufferings of their countrymen, exposed to a winter's campaign in defense of the common liberties of their country." It appeared, however, when this subject came to be investigated by the Massachusetts Legislature, that the prices asked were only the current rates, while the alleged refusal to deliver the goods unless paid for was flatly denied.

The root of the difficulty was the growing amount of expenditure, the increasing depreciation of the paper money, and the real scarcity of manufactured goods, especially clothing and blankets, occasioned by the interruption of commerce and the non-arrival of expected supplies from France. The outgoes from the federal treasury for the current year reached, in specie value, about twenty-five millions of dollars—a greater sum, by five millions, than the total expenditure of the two previous years. During those years, however, very large advances had been made by the states in paper money and otherwise, to an amount exceeding, perhaps, the whole expenditures from the federal treasury—advances which had burdened the states with very heavy debts, and which they had not been able to continue.

Warned by the events of the last winter, Howe kept his troops within a strongly fortified line, extending from the Delaware to the Schuylkill. Once, indeed, he marched out, and a skirmish ensued, which seemed likely to end in a general engagement; but the British army suddenly retired. They did not even attempt to forage without sending out very strong parties.

Determined to restrict the enemy within the narrowest

possible limits, Washington established his winter quarters at Valley Forge, a piece of high and strong ground on the south side of the Schuylkill, about twenty miles from Philadelphia. The soldiers, to the number of eleven thousand, were quartered in log huts, arranged in streets like a city, each hut containing fourteen men. To facilitate such movements as might be necessary, a bridge was thrown across the Schuylkill; and, to prevent the country people from supplying Philadelphia with forage and provisions, bodies of light horse and militia were stationed at different points. With the same object in view, and to serve as a guard to the State of Delaware, the Maryland line, reduced now to fourteen hundred men, were stationed at Wilmington. The chief body of the horse was sent to Trenton; but Pulaski encountered great difficulties in finding either quarters for his men or forage for his horses.

The Pennsylvania Assembly, then in session at Lancaster, protested against this going into winter quarters; but the state of the army made it absolutely necessary. Such was the destitution of shoes that all the late marches had been tracked in blood—an evil which Washington had endeavored to mitigate, by offering a premium for the best pattern of shoes made of untanned hides. For want of blankets, many of the men were obliged to sit up all night before the camp fires. More than a quarter part of the troops were reported unfit for duty because they were “barefoot and otherwise naked.” Even provisions failed; and on more than one occasion there was a famine in the camp. However reluctant to adopt such an expedient, Washington was obliged to subsist his army by sending out parties to seize corn and cattle wherever they could find them. Certificates were given for these seizures; but their payment was often long de-

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laid, and when finally met, it was in the depreciated Continental bills, contrasting very unfavorably with the gold in which the British paid. Washington had complained loudly during the recent movements of the inefficiency of the quarter-master's department, left, by Mifflin's resignation, in total confusion, and without a head. This disorder was the more felt, because it appertained to that department to transport impressed supplies to the camp.

Washington addressed energetic remonstrances, not to Congress only, but to the states, and not without effect. The Convention, recommended by Congress, of delegates from the eight northern states, met at New Haven, and 1778. agreed upon a scale of prices, according to which provisions and clothing were to be paid for by the army commissaries. Some of the states attempted, by legislation, Jan 8. to enforce the New Haven scale of prices generally; but these attempts proved no more successful than former ones of the same sort. Recourse was also had, with the same object in view, to internal embargoes, which proved a great embarrassment to commerce.

The state authorities of Pennsylvania, though very sore at the loss of their capital, and dissatisfied at Washington's going into winter quarters, yet provided for the relief of the army by appointing two commissioners in each county to seize materials for soldiers' clothing; by an act against forestalling; and, at Washington's earnest request, by another to aid the commissioners in obtaining wagons to transport impressed provisions to the camp.

While Washington was exerting himself to the utmost to preserve the army from total disorganization, a project was on foot to remove him from the chief command. Several persons conspicuous in Congress and the army were more or less concerned in this movement,

But most of the information respecting it has been carefully suppressed, and its history is involved in some obscurity. Every biographer has been very anxious to shield his special hero from the charge of participation in this affair, indignantly stigmatized, by most writers, as a base intrigue. Yet doubts, at that time, as to Washington's fitness for the chief command, though they might evince prejudice or lack of sound judgment, do not necessarily imply either selfish ends or a malicious disposition. The Washington of that day was not Washington as we know him, tried and proved by twenty years of the most disinterested and most successful public services. As yet he had been in command but little more than two years, during which he had suffered, with some slight exceptions, a continued series of losses and defeats. He had recovered Boston, to be sure, but had lost New York, Newport, and Philadelphia. He had been completely successful at Trenton, and partially so at Princeton, but had been beaten, with heavy loss, on Long Island and at Fort Mifflin, and lately in two pitched battles on ground of his own choosing at Brandywine and Germantown. What a contrast to the battles of Behm's Heights, and the capture of Burgoyne's whole army! Want of success, and sectional and personal prejudices, had created a party in Congress against Schuyler and against Sullivan. Could Washington escape the common fate of those who lose? Richard Henry Lee and Samuel Adams seem to have been the leaders of a party gradually formed in Congress, and for some time strong enough to exercise a material influence on its action, which ascribed to the commander-in-chief a lack of vigor and energy, and a system of favoritism deleterious to the public service. The Pennsylvanians were much annoyed at the loss of Philadelphia and sev

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eral leading persons in that state seem to have co-operated with this party, especially Mifflin—a plausible, judicious, energetic, ambitious man, very popular and very influential, but of whose recent management of the quarter-master's department Washington had loudly complained. Nor were other malcontents wanting in the army. The marked confidence which Washington reposed in Greene gave offense to some; others had purposes of their own to serve. Conway aspired to the office of inspector general, the establishment of which he had suggested; and, not finding his pretensions favored by Washington, he indulged in very free criticisms on the state of the troops, and the incapacity of the commander-in-chief. Gates, who might aspire, since his successes at the north, to the most elevated station, should the post of commander-in-chief become vacant, had lately behaved toward Washington with marked coldness and neglect. A correspondence highly derogatory to Washington's military character was carried on between Gates, Mifflin, and Conway. By the indiscretion of the youthful Wilkinson, who talked rather too freely over his cups at Stirling's quarters when on his way to Congress with the news of Burgoyne's surrender, a pointed sentence from one of Conway's letters to Gates leaked out, and was communicated by Stirling to Washington, who inclosed it in a note to Conway. Suspecting that Hamilton, during his visit to Albany, had, as he expressed it, "stealingly copied" Conway's letter, Gates demanded to know, in very high terms, by what breach of confidence Washington had become possessed of the extract. When Wilkinson was given as the authority, he changed his ground, and, in an elaborate note, alleged that the pretended extract was a forgery, and that Conway had written nothing of the sort. Conway's letter, however, was

not produced; and to Washington's sarcastic allusion to that fact, and to the manifest discrepancy between his first and second letters, Gates, anxious to hush up the matter, made a very tame and submissive answer. CHAPTER XXXVII.
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In the composition of the new Board of War, the influence of the party opposed to Washington became very apparent. Gates was made president of it, and Mifflin a member. The other members were Pickering, who resigned for that purpose his office of adjutant general, Joseph Trumbull, the late commissary general, and Richard Peters, secretary of the old board. Harrison, Washington's secretary, was elected, but declined. In spite of Washington's earnest remonstrances, Conway, promoted over the heads of all the brigadiers to the rank of major general, was made inspector of the armies of the United States. An attempt was also made, but without success, to gain over La Fayette, by offering him the command of an expedition against Canada. Besides these open measures, calculated to disgust Washington, and to cause him to resign, secret intrigues were resorted to of a very disreputable character. Anonymous letters, criticising Washington's conduct of the war, were addressed to Patrick Henry, governor of Virginia, and to Laurens, president of Congress; but these gentlemen, in the true spirit of honorable candor, at once inclosed these letters to Washington. One of them Washington ascribed to Dr. Rush. Nov.
Dec 14

When these intrigues became known in the army, 1778. they produced among the officers a great burst of indignation. Nor did the idea of a new commander-in-chief find any support in the state Legislatures or the public mind. In spite of losses, the inevitable result of insufficient means, Washington was firmly rooted in the respect and affection of the soldiers and the people, who had not

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failed to perceive and to appreciate his incomparable qualifications for the station which he held. Seeing how
1778. strongly the country and the army were against them, most of the parties concerned in the late project for a new commander-in-chief denied or concealed as much as possible their participation in it; and the result served at once to evince and to strengthen the hold of Washington on the general confidence.

March. Being presently ordered to the northern department, Conway sent a letter to Congress, in which he complained of ill treatment in being thus banished from the scene of action, and offered to resign. Very contrary to his intention, he was taken at his word. All his attempts to get the vote reconsidered were in vain. He was wounded soon after in a duel with General Cadwallader, who had accused him of cowardice at the battle of Brandywine; and, supposing himself near his end, he sent an humble apology to Washington. On his recovery he returned to France.

April. Gates was sent to the Highlands to superintend the new fortifications to be erected there. Both he and Mifflin ceased to act as members of the Board of War, and their place on it was ultimately supplied by two members of Congress, appointed to serve for short periods.

Mifflin obtained leave to join the army again; but the other officers, not liking this intrusion on the part of one who had never held any command in the line, got up a
une. charge against him, which was referred to a court of inquiry, of having mismanaged the quarter-master's department. The accounts and business of that department had been left in a good deal of confusion; but there seems to have been no serious ground of charge against Mifflin. Finding himself so unpopular with the officers, he pre-

August. sently resigned his commission of major general; but he

continued to take an active and leading part in affairs, being presently appointed a member of Congress from Pennsylvania. CHAPTER
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The more Congress reflected on the terms of Burgoyne's capitulation, the less satisfactory those terms appeared. The troops of that army, transported to England and placed in garrison there, would relieve just as many other men for service in America. Some cavils had begun to be raised about an alleged deficiency of cartouch boxes surrendered, when an impatient letter from Burgoyne furnished a much more plausible pretext. The British general complained that proper accommodations had not been furnished to his officers, and, in the vexation of the moment, incautiously alleged that the Americans had broken the convention. Catching eagerly at this hasty expression, which Congress chose to construe into a repudiation of the treaty by the very officer who had made it, it was resolved to suspend the embarkation of the troops "till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great Britain." Nor could any remonstrances nor explanations on the part of Burgoyne obtain any change or modification in a policy founded, indeed, more on considerations of interest than of honor, and for which Burgoyne's letter had but served as a pretext. The transports which had arrived at Boston were ordered to depart. Burgoyne only, with one or two attendants, was suffered to go to England on parole. Jan.
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March

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EFFECTS IN ENGLAND OF BURGOTNE'S SURRENDER. RESULTS OF THE WAR THUS FAR. ALLIANCE BETWEEN FRANCE AND THE UNITED STATES. BRITISH COMMISSIONERS FOR CONCILIATION. RECOVERY OF PHILADELPHIA. UNSUCCESSFUL ATTACK ON NEWPORT. RAPID DECLINE OF THE PAPER MONEY. EXECUTIONS AT PHILADELPHIA. WAR ON THE FRONTIER.

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THE news of the surrender of Burgoyne's army produced a great sensation in England, increased by the dis-
 1777. position of France to sustain the revolted colonies, now
 Dec. too evident to be any longer mistaken or denied. Yet the ministry still found support, not only in the pride and pugnacity of the British nation, but in more sordid motives of pecuniary profit. All wars, indeed, by the enormous expenditure to which they give rise, always raise up a large class of contractors and others interested in their continuance.

To supply the place of Burgoyne's troops, Liverpool and Manchester undertook to levy each a thousand men. There had been a partial change in the politics of London, and great efforts were made to induce that city to follow this example. The new lord-mayor entered zealously into the project; but it failed entirely, and the ministry had to be content with a subscription of £20,000, raised among their adherents. A like failure happened in Bristol; nor did the plan succeed much better in the English counties. In Scotland it was more successful. Glasgow and Edinburgh each raised a regiment; and several more

were enlisted in the Scotch Highlands by the great landholders of that region, to whom the appointment of the officers was conceded.

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Those friendly to America raised contributions also, but for a different purpose. Some hundreds of American prisoners in England, through the carelessness of the government, and the cupidity and dishonesty of their keepers, were suffering severely for the necessaries of life. As soon as this became publicly known, a liberal subscription was set on foot among the British friends of America, and these necessities were speedily relieved.

At a short session of Parliament, just previous to the close of the year, some warm discussions occurred on American affairs. When Parliament reassembled, after the Christmas holidays, the opposition renewed their attacks with increased vigor. They assailed the late raising of troops by cities and individuals as an infringement of parliamentary rights. Burke attacked, as Chatham had done at a previous session, the employment of Indian auxiliaries. In Committees of the Whole on the State of the Nation, the losses, expenses, and hopelessness of the war were fully exposed—considerations not without serious weight in the mind of Lord North himself. To the surprise—and disgust even—of some of his most ardent supporters, he presently came forward with a new plan of conciliation. In his speech on this occasion, he declared, what his private correspondence since published abundantly confirms, that he had always been in favor of peace, and opposed to taxing America. He found the tea tax in existence when he came into power; he had not thought proper to repeal it, but he formed no specific scheme for enforcing it. By the drawback allowed of the whole British duty, the arrangement with the East India Company seemed to be a real favor to the Americans,

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CHAPTER and he could not have anticipated the effects it produced.
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It was the same with the Coercive Acts. As soon as this became apparent, he had proposed a scheme of conciliation. That scheme, misunderstood and misrepresented, had been rejected by America. The results of the war had greatly disappointed his expectations; but to those results it was now necessary to conform. With that view he introduced two bills: one, renouncing, on the part of the British Parliament, any intention to levy taxes in America—conceding, in substance, the whole original ground of dispute; the other, authorizing the appointment of five commissioners, the commanders of the naval and military forces to be two, with ample powers to treat for the re-establishment of the royal authority.

While these bills were under discussion, David Hartley, a member of Parliament of the Chatham party, always opposed to the war, and active in the late measures for the relief of the American prisoners, was sent to Paris, to endeavor to open a negotiation with the American commissioners there.

Great Britain had, indeed, sufficient occasion to be sick of a war which had cost her already more than twenty thousand men, and a hundred millions of dollars of public expenditure. Five hundred and fifty British vessels, besides those recaptured, had been taken by American cruisers, involving an additional charge of not less than twelve millions of dollars. These cruisers had so infested even the British seas, that convoys had become necessary from one British port to another. To this must be added the loss of the American trade; a large mass of American debts held in suspense by the war; the exile of the American Loyalists, and the confiscation of their property. The British West Indies had suffered severely by the interruption of their accustomed supplies of pro-

visions and lumber from the North American colonies CHAPTER XXXVIII
 The British merchants complained, though humanity rejoiced over it, that the slave trade had been reduced to one fifth of its former amount. To all these evils was now added the threatened and alarming danger of French intervention and a French war. 1778.

By the rebellious colonists, the losses and miseries of warfare had been not less seriously felt. The Newfoundland fishery, and the trade to the West Indies, hitherto the main reliance of New England, had been quite broken up. Nine hundred vessels had fallen into the hands of the enemy, and those that remained were comparatively useless. The coasting trade had been destroyed; and Boston and the other New England sea-ports, cut off from their usual supplies, experienced a great scarcity of bread-stuffs, enhanced by internal embargoes, which began to be laid by the several states. Add to this, great public debts rapidly accumulating, and all the doubt, uncertainty, and losses necessarily attendant on a depreciating currency. The war had been carried on at a very heavy expense; the frequent draughts of militia, besides the interruption to agriculture, had proved a most costly and wasteful expedient, attended by great loss and destruction of arms and equipments, which the service could very badly spare. There had been great want of system and accountability in all the departments, the natural result of the sudden introduction of an entirely new scale and new scheme of expenditures. Peculation, a customary incident of all wars, had not failed to improve so convenient an opportunity. The easy resource of bills of credit and the loan offices had contributed to foster extravagance. Already the liabilities contracted by Congress amounted to upward of forty millions of dollars; but this was far from showing the whole expense of the

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war. The debt of Massachusetts alone, independent of her share of the Continental liabilities, amounted to five millions of dollars, partly in state bills of credit, and partly in certificates of loan. No other state owed so much; but all had issued bills of credit, and all were deeply in debt. These separate state debts made a sum total of not less than twenty-five millions, thus raising the whole expenditure to at least sixty-five millions of dollars.

The loss of life had also been enormous. Few, comparatively, had perished in battle; but the sick had always been very numerous; and the mortality in the hospitals, ill provided with comforts and even with necessities, had been truly frightful. Insufficiency of clothing, and even sometimes of food, had aggravated the effects of disease; while difficulties about the exchange of prisoners, which Congress, from reasons of policy, had been little anxious to remove, had exposed multitudes to a miserable death in jails and prison ships.

The cost and calamities of the war had, indeed, far exceeded all the calculations of those most eager to enter into it. Yet a vast majority of the American people—a majority greater now than at the time when independence was declared—were wholly disinclined to peace on any terms short of entire independence. The very calamities to which they had been exposed, and the efforts to which they had been driven, had quite estranged them from the British connection, and made all thoughts of return to it intolerable.

Nor, on the whole, was there any thing discouraging in the results of the struggle hitherto. After a three years' contest, all that the British could boast was the possession of Long Island and Staten Island, of the insular cities of Newport and New York, and on the main land, of Philadelphia, each of which places it required an

army to keep. The expected impression on the surrounding country had not been made. There were in several of the states considerable bodies of disaffected persons ; but no movements had taken place among them favorable to the invaders. Since the occupation of Philadelphia, Allen, of Pennsylvania, the same who had thrown up his Continental commission of lieutenant colonel when independence was declared, Chalmers, who had great influence in Maryland, and Clifton, a leader among the Roman Catholics, had been commissioned as colonels ; but their united efforts had raised less than a thousand recruits. Including those under Delancey, Skinner, and Sir John Johnson, there were now in the British service thirteen corps of Loyalists, amounting in the whole to three thousand six hundred men. Objects as they were of proscription and confiscation, the bitter hatred toward their countrymen felt by these refugees, and the predatory war which they carried on, tended not a little to embitter and inflame the contest.

While Parliament was debating about conciliation, the states were called upon by Congress to fill up their battalions ; or, if recruits could not be obtained, to supply their place by draughts of militia. Army auditors were appointed to settle all outstanding accounts ; a new organization of the staff departments introduced more of order and accountability. Greene, a very favorite officer with Washington, was persuaded to accept the important place of quarter-master general ; Colonel Jeremiah Wadsworth, of Connecticut, was appointed commissary general ; the adjutant generalship, resigned by Pickering when he accepted a seat at the Board of War, was given to Colonel Scammell, of New Hampshire. Baron Steuben, a Prussian officer, an excellent disciplinarian, had lately tendered his services to Congress. Pres-

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CHAPTER XXXVIII. ently appointed inspector, with the rank of major general, in place of the worthless Conway, he first introduced into

1778. the American army a uniform system of exercise and tactics. By a new organization, each battalion of foot was to consist, officers included, of five hundred and eighty-two men, arranged in nine companies; the battalions of horse and artillery to be a third smaller. This would have given for the Continental army a force of sixty thousand men and upward; but it never really amounted to half that number. In consideration of their large slave population, no troops were asked of South Carolina and Georgia except for local defense.

Finding his command of the horse disagreeable to the native officers, Pulaski obtained leave to raise what he called a legion, an independent corps of two or three hundred men, part cavalry armed with lances, and part foot. Armand, a French officer of merit, was at the head of another similar corps. A third independent corps, composed wholly of cavalry, was raised by Henry Lee, a Virginian, already distinguished as a partisan officer. The new fortifications in the Highlands were zealously prosecuted, under the direction of Kosciusko, at whose suggestion the works at West Point were now first commenced.

Jan. No attention had been paid by the states to the late recommendation of taxes; and Congress had no way of sustaining the army except by additional issues of paper money. A further loan of ten millions had been authorized; but that availed nothing, for the former loans were not yet half filled up. The empty treasury had to be replenished in January by a new issue of three millions in bills of credit. Two millions more were issued in February, two millions in March, six millions and a half in April, five millions in May, and as many more in June, making in the first half of the year an addition of twen-

ty-three millions and a half to the already superabundant issue. A new impulse was thus given to the depreciation, which Congress and the states strove in vain to arrest. 1778

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This depreciation had already produced a serious defalcation in the pay of the army, and many officers, seeing better prospects elsewhere, had thrown up their commissions. Washington was very unwilling thus to lose the assistance of tried officers, who had gone through an apprenticeship to the service; and, by earnest and repeated recommendations, he prevailed at length upon Congress, but not without very great difficulty, to promise half pay for seven years to all officers who should serve to the end of the war. To all soldiers who served to the end of the war, a gratuity of eighty dollars was promised. Washington had proposed for the officers half pay for life; the term of seven years was adopted as a compromise. Congress had a great horror of permanent military and half-pay establishments—a sentiment in which they sympathized with the country. May.

Before any military movements had occurred beyond mere foraging expeditions, draughts of Lord North's conciliatory bills arrived in America, and were very busily April 15 circulated by the disaffected. Fearful of the effects which this new offer might produce, Congress ordered the bills to be published in the newspapers, and, along with them, the report of a committee of their body, criticising the proposed compromise with much keenness. This report concluded with a resolution, unanimously adopted, denouncing as open and avowed enemies all who should attempt a separate treaty, and declaring that no conference should be held with any commissioners till the British armies were first withdrawn, or the independence of the United States acknowledged.

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Whatever might have been the effect, under other circumstances, of Lord North's plan of conciliation, it was 1778. wholly counteracted by the arrival shortly after, and before accounts had reached America of the actual passage of the bills, of two treaties with France, brought out by a French frigate dispatched for that express purpose.

Lord North no sooner had brought into Parliament his bills for conciliation, than Vergennes signified to the American commissioners his readiness to treat. The capture of Burgoyne's army, and, still more, the spirit exhibited, notwithstanding the loss of Philadelphia, in Washington's attack upon the British army at Germantown, had satisfied the French court that the Americans were strong and in earnest. The proposition of the French minister was eagerly met. Two treaties were Jan. 30. speedily signed: one, of friendship and commerce; the other, of defensive alliance, in case Great Britain should declare war against France.

The great object of these treaties purported to be the mercantile and political independence of the United States. No peace was to be made till that object was attained, and then only by mutual consent. The contracting parties guaranteed to each other their respective possessions in America. The right was reserved for Spain to become a party to the alliance.

The treaty of friendship and commerce having been March 13. communicated, three days after the approval of the conciliation bills, to the British court, that communication was answered by the recall of the British ambassador from Paris, amounting, in substance, to a declaration of war. Ratified by Congress as soon as received, both treaties May 5 were hailed every where throughout the United States with the greatest enthusiasm; and that hereditary national hatred of France, which hitherto had pervaded America

was now suddenly changed to respect, gratitude, and affection, though not without some remnants, and presently some occasional outbursts of the old feeling. CHAPTER
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These treaties, meanwhile, had given rise to very warm debates in the British Parliament. It seemed useless to the members of Lord Rookingham's party, who composed the bulk of the opposition, to stand out any longer against the independence of America. To protract the war, with France as a party to it, would involve an immense expenditure, while it could only serve to aggravate the quarrel, to embitter the Americans, and to bring them under the influence of France. Was it not wiser to make peace at once, and, abandoning all attempts at political authority, to secure as far as might be, and before they became further engaged in any new connections, the commerce and good-will of the late colonists?

Propositions to that effect were brought forward in both houses of Parliament. In the upper house they encountered the warm opposition of Lord Chatham, who fell in a fainting fit, from which he never recovered, while protesting against the dismemberment of the empire. In the House of Commons the same ground was taken by Lord Shelburne, who presently became the acknowledged head of the parliamentary supporters of the late Earl of Chatham. The wise lesson of yielding in time is no less difficult for statesmen and for nations than for private individuals. To teach the British Parliament and people to yield to what was inevitable, more millions must be spent, more blood must flow!

Having returned to England on his parole, and receiving from the ministry but a cool reception, Burgoyne appeared in his seat in the House of Commons, and denounced the inefficient conduct of the war. Sir William Howe, complaining that his demands for men and sup-

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plies had not been met with sufficient promptitude, had requested to be recalled, and the command in chief of the 1778. British army was given to Sir Henry Clinton.

As the spring opened, strong foraging parties of the British army issued from Philadelphia. An expedition May 7. up the Delaware captured or burned a considerable number of vessels, including the unfinished Continental frigates which had been conveyed for safety to Trenton.

Washington was still encamped at Valley Forge with an effective force of hardly twelve thousand men; nor did it seem possible, with all the efforts made to fill up the ranks, that the Continental army, including the troops at Wilmington, West Point, and Ticonderoga, and a brigade lately sent into New Jersey, could be carried beyond twenty thousand.

Now that the Delaware was liable to be blocked up by a French fleet, Philadelphia could no longer be safely held by the British. An intention to evacuate it began to be rumored. To gain intelligence as to this matter, as well as to restrict the enemy's foraging parties, Washington sent La Fayette, to whom the command of a division had lately been given, with a strong detachment of the best troops, to occupy Barren Hill, between Valley Forge and Philadelphia, some ten miles in advance of the camp. He had not long been there when Clinton sent a much stronger force to cut him off; but the young May 20. general escaped by a seasonable and handsome retreat:

The three civil commissioners appointed under Lord North's act were the Earl of Carlisle, William Eden, a brother of the late governor of Maryland, known afterward as Lord Auckland, and Governor Johnstone, who had been from the commencement a conspicuous opponent in Parliament to the whole American policy of ministers. A passport to visit Congress having been refused

by Washington to Adam Ferguson, the commissioners' secretary, they presently sent to that body a copy of their commission, and an address, in which they proposed a suspension of hostilities. They suggested in it, as the basis of a final settlement, an extension of the privileges of trade hitherto allowed to the colonies; an understanding that no military force should be kept up in any colony without the consent of its Assembly; an arrangement for sustaining the Continental bills of credit, and their ultimate discharge; a representation of the colonies in the British Parliament, and of the British government in the colonial Assemblies; and such an organization of the colonial administrations as to yield almost every thing short of total independence.

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Such an offer, two years before, would have been eagerly grasped at. But times had changed. Jealous, however, of the influence which the commissioners might exercise, Congress resolved to have as little to do with them as possible. A very brief answer was given to their address in the terms of the resolution above mentioned, refusing to treat unless the independence of the states were first acknowledged or the British troops withdrawn. The commissioners made a long and argumentative rejoinder; but of that Congress took no notice.

June 17
June 1
July 1

The preparations for evacuating Philadelphia had meanwhile been completed. The baggage and stores, with about three thousand non-combatants who adhered to the British, were sent round to New York by water; and the army, about twelve thousand strong, crossing the Delaware, took up its line of march through the Jerseys.

June 18

As soon as the evacuation was known, Washington, with his whole force, marched in pursuit. The weather was hot and rainy; the British were a good deal encumbered with baggage and provision wagons, and the Ameri-

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cans soon began to come up with them. The question of a general engagement had been warmly discussed in a council of war; Lee, whose exchange had been recently effected, and who held, next to Washington, the highest rank in the service, had strongly opposed it; Greene, and other officers, were in favor of fighting. Washington himself inclined to that opinion, and he sent forward

1778. June 25. La Fayette with two thousand men to press upon Clinton's left, and crowd him off from the high grounds. Lee's rank entitled him to the leadership of this corps; but, as he had opposed fighting, he yielded it up to La Fayette. The next day, however, Lee changed his mind; and, being sent forward with two additional brigades, by virtue of his superior rank he assumed the command of the whole advanced division. The enemy encamped at

June 28 Monmouth Court House. The next morning Washington sent word to Lee, who was now about six miles in advance, to make an attack, promising to bring up the whole army to support it. He advanced accordingly, but, much to his surprise, presently met Lee retreating. Greatly irritated, Washington uttered a very sharp reprimand, and ordered the line of battle to be formed. A warm but indecisive action followed, broken off by the approach of night. The British retired under cover of the darkness, and, having gained the high grounds of Nevisink, placed themselves in a position secure from attack. The American loss in this action was about two hundred, partly killed and wounded, partly disabled by the extreme heat. The British loss was about three hundred; but great numbers, especially of the Germans, who had married, or formed other connections in Philadelphia, took occasion, during the march across the Jerseys, to desert, and the total British loss in the retreat hardly fell short of two thousand men.

Greatly offended at Washington's pointed and public rebuke, the day after the action Lee wrote him a letter in no very respectful tone. Washington's answer, so far from satisfying him, drew out another letter still more disrespectful. Lee was arrested, and was presently tried by court-martial for disobedience of orders; for having made an unnecessary, shameful, and disorderly retreat; and for disrespect to the commander-in-chief in the two letters above mentioned. He defended himself with a good deal of ability, justifying his retreat on the ground that the enemy appeared in unexpected force in front, and that it was necessary to disentangle himself from a morass in his rear, which, in case of defeat, would have made escape impossible. The court acquitted him of the more serious part of the charges, but found him guilty of the rest, and sentenced him to be suspended for one year. This was the end of Lee's service in the American army. Shortly after the expiration of his sentence, in a sudden heat of passion at some suspected slight, he addressed an insolent letter to Congress, soon after retracted and apologized for, but which occasioned his dismissal from the service.

From his position at Nevisink, Clinton found a short transportation to New York in Lord Howe's fleet, which had just arrived from Philadelphia with the baggage and stores. The retreat of the British was none too soon. They had been gone but a few days when the Count D'Estaing arrived off the Delaware with a French fleet of twelve ships of the line and four frigates. This fleet, much superior to Lord Howe's, had on board four thousand French troops. There came out in it M. Gerard, late secretary to the king's council, much employed in the American negotiation, and appointed ambassador to the United States. Deane also took this opportunity to

CHAPTER

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June 30

July 6.

CHAPTER obey the orders of Congress, by returning home to give
XXXVIII an account of his mission.

1778. Having sent his passengers up the Delaware in a frigate, D'Estaing sailed for Sandy Hook, and came to anchor off the harbor of New York. A joint attack by sea and land upon that city was seriously meditated. With that
- July 21. object in view, Washington crossed the Hudson with his army, and encamped at White Plains. New York was thrown into the greatest alarm; but the pilots declined to take the heavier French ships over the bar, and the projected attack had to be abandoned.

The next most feasible undertaking seemed to be an expedition against Newport, then held by a British army of six thousand men, under General Pigot. This British occupation of Newport was a great eyesore to New England. An attack had been projected the year before, and a great expense incurred; but, from various reasons, it had been abandoned. Congress had ordered an inquiry into the causes of that failure, and Spencer, who had held the command in Rhode Island, had resigned his commission in consequence. He was, however, immediately sent as a delegate to Congress from Connecticut.

Foreseeing that Newport might become the object of attack, Washington had directed Sullivan, Spencer's successor in that command, to call upon Rhode Island, Massachusetts, and Connecticut for five thousand militia, a call which had been promptly obeyed. William Greene, Cooke's successor as governor of Rhode Island, exerted himself to the utmost. The Massachusetts militia marched under John Hancock as general. Two brigades of Continentals were sent on from the main army. Great enthusiasm prevailed, and every thing promised success. The French ships occupied Narraganset Bay, and opened a communication with the American army

at the head of it. They even entered the harbor of New-
 port, and obliged the British to burn or sink six frigates CHAPTER XXXVIII
 which lay there. A week, however, elapsed after D'Es- 1778.
 taing's arrival off Newport before the Continental troops
 could come up—an unavoidable delay, but fatal to the
 enterprise. It was only at the end of that time that the
 American army, ten thousand strong, arranged in two
 divisions, one commanded by Greene, and the other by
 La Fayette, effected a landing at the north end of the Aug. 10.
 island. They had expected to be joined there by the
 four thousand troops of the French fleet, agreeably to the
 plan of attack as arranged with the French admiral; but
 this was prevented by intervening events.

Within four or five days after D'Estaing's departure
 from Sandy Hook, four British men-of-war had arrived
 singly at New York, all of which, had he kept that sta-
 tion, would probably have fallen into his hands. Lord
 Howe, even with this re-enforcement, was still consider-
 ably inferior to the French fleet; but, resolved to risk
 every thing for the relief of Newport, he had sailed at
 once for Rhode Island; and D'Estaing, eager to take ad-
 vantage of his superiority, on discovering the British fleet,
 had put to sea, carrying the troops along with him.

In hopes of D'Estaing's speedy return, the Americans
 marched down the island, established themselves within
 two miles of the enemy's works, and opened a cannonade
 upon them. Meanwhile the fleets, struggling for the
 weather gage, were separated by a furious storm. D'Es- Aug. 10.
 taing presently reappeared off Newport, with two of his Aug. 20.
 ships dismasted, and the others badly damaged. Much
 to the disgust of Sullivan and his officers, and in spite of
 a written protest on their part, the French admiral insist-
 ed on sailing immediately to Boston to refit.

Sullivan sent La Fayette to Boston to urge the re-

CHAPTER turn of the French ships, but without success. The
 XXXVIII militia, much discouraged, began to desert. Sullivan
 1778. abandoned his lines before the town, and retired by night
 Aug. 29. Pursued and attacked, he maintained his ground in a
 sharp action, attended by the loss of two hundred men,
 and a somewhat larger loss to the British. The enemy
 thus checked, Sullivan continued the retreat with judg-
 ment, and soon established himself on strong ground at
 the northern end of the island, whence, a night or two
 Aug. 31. after, he crossed in safety to the main land—a very sea-
 sonable movement, as the British army was re-enforced
 the next day by four thousand men from New York, led
 by Clinton in person.

Lord Howe, whose vessels had suffered comparatively little in the storm, had sailed to cut off the French ships from Boston; but he found them so securely moored in the harbor that he did not venture an attack.

The loud and pointed complaints of Sullivan, always too little able to command his feelings, were echoed through New England. Old anti-Gallican prejudices began to revive. A serious riot broke out at Boston between the American and French sailors. It required all the policy of Washington to allay these rising disgusts. To soothe the mortified D'Estaing, Congress passed a resolution approving his conduct. His retiring to Boston seems, indeed, to have been demanded by a due regard to the safety of his fleet.

The British commissioners for conciliation, in addition to their public acts, had not been wanting—at least one of them—in private efforts with individuals. Johnstone had brought letters of introduction to several members of Congress from their friends and connections in Great Britain, among others, to Robert Morris, Reed, and Dana, to whom he wrote, urging the expediency of some arrange-

ment, and suggesting in some of his letters that those persons instrumental in it could not fail of high honors and rewards. These letters, by order of Congress, were laid before that body. Reed also made a statement of a distinct offer made to him, through a Mrs. Furgerson, a lady of Philadelphia, who had connections in the British army, of £10,000, and any office he might choose in the colonies, if he would lend his aid in bringing about a reconciliation; to which he had replied "that he was not worth purchasing; but, such as he was, the King of England was not rich enough to buy him." Upon the strength of these communications, resolutions were passed by Congress accusing Johnstone of an attempt at bribery and corruption, and declining to hold any further correspondence with him, or with the commission of which he was a member. CHAPTER XXXVIII

Johnstone made an angry reply, in which he announced his withdrawal from the commission. The other commissioners published a paper, disavowing any responsibility for Johnstone's private letters or actions; but in this same paper, which seemed, indeed, to be intended chiefly for the public at large, they accused Congress of exceeding its powers, and of wantonly sacrificing, by the treaty with France, the best interests of the American people. No official answer was made to these two documents; but they were very severely handled, as the former papers of the commissioners had been, in publications by individual members of Congress.

The commissioners had already remonstrated against the detention of Burgoyne's army, contrary to the terms of the capitulation, a ratification of which they presently tendered, signed by Sir Henry Clinton, the Earl of Carlisle, and William Eden. They made, at the same time, a new demand for the release of the troops. But a new Sept

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loop-hole was found by Congress. It was not for nothing that so many lawyers sat in that body. As all the acts of the commissioners were subject to approval by Parliament, Congress questioned their authority to make a definitive ratification. Application was soon after made, for the fourth time, to Sir Henry Clinton for passports for vessels to be employed in transporting supplies to Boston for the convention troops; and upon his neglect to grant them, the troops were marched off to Charlottesville, in Virginia, where they could be more easily guarded and more cheaply fed. They were quartered in log huts; the soldiers and officers had gardens, and the encampment formed quite a village. Some of them, especially the officers, were afterward exchanged; but the greater part remained prisoners till the end of the war.

act. 3. The discomfited commissioners finally published an elaborate manifesto, addressed, not to Congress only, but to the Assemblies and the people of the states, charging upon Congress the responsibility of continuing the war; offering to the state Assemblies separately the terms already proposed to Congress; reminding those in arms that all the points originally in dispute had been conceded by Great Britain; suggesting to the clergy that the French were papists; appealing to all lovers of peace not to suffer a few ambitious men to subject the country to the miseries of unnecessary warfare; allowing forty days for submission; and threatening, if this offer were rejected, the desolation of the country as a future leading object of the war. A stop was put to the attempt to circulate this manifesto under flags of truce, but Congress caused it to be published in the newspapers, along with their counter manifesto, and other comments calculated to neutralize its intended effect.

As the British commissioners, in their address, had

spoken very disparagingly of France, La Fayette persisted, in spite of the remonstrances of Washington and D'Estaing, in sending a challenge to the Earl of Carlisle; but that nobleman politely declined any responsibility for his public acts to any body but his own sovereign. CHAPTER XXXVIII.
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At the end of the forty days limited in their manifesto, much to the relief of Congress, by which body they had been regarded from the first as very dangerous persons, the commissioners returned to Europe. The advances made by Hartley to Franklin at Paris met with no better success. Nothing now remained but to fight it out.

Already, before the departure of the commissioners, the war began to assume the savage character which they had threatened. An expedition from Newport burned the towns of New Bedford and Fairhaven, on Buzzard's Bay, and levied a heavy contribution of sheep and cattle on the defenseless island of Martha's Vineyard. To facilitate a similar expedition against Little Egg Harbor, in New Jersey, Clinton marched out of New York with his whole army, one division on either side of the Hudson. These divisions, by the command of the river, might be reunited at a moment's warning, while Washington could only reunite his army, distributed also on both sides of the river, by a long and tedious march through the Highlands. Baylor's regiment of horse, on duty in New Jersey, was surprised and cut to pieces. The town of Egg Harbor was burned, and all the surrounding country ravaged. The infantry of Pulaski's legion was also surprised, and bayoneted without mercy. The Americans complained of the wanton cruelty of these proceedings. The British replied that the towns burned were shelters for privateers. The refusal of quarter was excused by pleading the excitement of a surprise and a night attack.

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As soon as the destination of D'Estaing had become known in England, an English fleet, under Admiral Byron, had been sent to follow him across the Atlantic. This fleet encountered very rough weather, and did not arrive at New York till late in the season, before which period Admiral Lord Howe, following his brother's example, had resigned his command and returned to England. Byron proceeded to Boston to look after the French ships still engaged there in refitting. An attack was apprehended, and Gates was sent to supersede Heath. But the English fleet was again dispersed in a storm, by which one of the vessels was wrecked on Cape Cod, and D'Estaing, by this time completely refitted, took the opportunity to sail for the West Indies, as between France and England the principal seat of war. The very day that D'Estaing left Boston, five thousand British troops, escorted by a strong squadron, sailed from New York on the same destination. Some three weeks later, another British detachment of three thousand five hundred men was sent from New York on an expedition against Georgia. But even with this heavy reduction of its garrison, New York was still too strong for Washington.

Nov. 1.

The American troops were huddled for the winter in a line of cantonments extending from Danbury in Connecticut, across the Hudson at West Point, to Elizabethtown in New Jersey. A tolerable supply of clothing had been received from France, under a new contract with an agent sent by Beaumarchais to America; to insure a supply of provisions, Congress had laid an embargo on all exports. The commissary department was now on a better footing; and the soldiers, on the whole, were better clothed and fed than they had been since the commencement of the war. But the depreciation of the

bills of credit had reduced their pay to a trifle, and the officers especially were greatly distressed for money. CHAPTER XXXVIII.

After the evacuation of Philadelphia by the British, 1778 Congress and the state government had returned to that city. The more open and notorious Tories had retired with the British army; yet many wealthy and respectable citizens who remained behind were well known to have been very favorably disposed toward the invaders. Some had shown this disposition so openly as to have exposed themselves to prosecutions under the state law of treason. A large number of indictments were found; trials were commenced; Reed was employed to aid the attorney general in the prosecutions; and two Quakers, John Roberts and Abraham Carlisle, were found guilty. October Great efforts were made to save them; but Vice-president Bryan, now, by Wharton's death, at the head of the government, could not be persuaded to grant a pardon, and they were both executed. Twenty-three others were Nov. 22 tried; but, through the efforts of Wilson, who acted as their counsel, they were all acquitted. The execution of the two who suffered gave new bitterness to the violent party disputes of Pennsylvania.

The feeling against the Tories was still further excited by the conduct of Arnold, again appointed, on account of his wounds, which disqualified him for active service, to the military command in Philadelphia. Arnold ingratiated himself with the rich Tories, from among whom he presently married a young, beautiful, and accomplished second wife; and his leaning toward this hostile party soon brought him into collision with Reed, to whom the Assembly gave the vacant office of president. Dec. 28

From the American post at Pittsburg, made the headquarters of a western military department, a communication had been opened with New Orleans. Captain

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1778. Willing, sent thither the year before, had succeeded in obtaining, with the countenance, if not the aid of Galvez, the Spanish governor, a supply of arms and ammunition. Willing had invited the English settlers of West Florida to join the American Union, but without success. Early in the present year he again descended the river for a new supply of arms and munitions. Having obtained crews at New Orleans to row the boats back to Pittsburg, Willing remained behind with his followers, seized an English vessel at Manshac, and proceeded to Baton Rouge and Natchez, burning houses, abducting slaves, and committing other outrages on the English planters. A British force, sent from Pensacola, made Willing prisoner. Forts were built by these troops at Manshac, Baton Rouge, and Natchez, for the defense of the settlers.

Indications of Indian hostilities appearing on the western frontier, Congress had sent three commissioners to Pittsburg to investigate the subject. These commissioners reported that the Western Indians were stimulated to hostility by the influence of Hamilton, the British commandant at Detroit, in consequence of which Congress resolved to send an expedition against that post. While this matter was in agitation, an expedition, hardly less important, was undertaken and accomplished by George Rogers Clark, a backwoodsman of Kentucky. Under authority from the State of Virginia, and with some aid from that state in money and supplies, Clark enlisted two hundred men for three months, with whom he embarked at Pittsburg, and descended to the falls of the Ohio. Thirteen families of settlers following in his train, established themselves on an island at the falls. Joined by a number of Kentuckians, Clark proceeded down the river to within sixty miles of the mouth; hid his boats; and marched by land against Kaskaskia, one of the old

French settlements near the Mississippi. When the Virginians reached the town, they were on the point of starvation; but the inhabitants, taken entirely by surprise, submitted without a struggle. Cahokia, and two other neighboring posts, also submitted. The inhabitants were promised security on taking an oath of allegiance to the United States. The governor, or commandant at Kaskaskia, in whose possession written orders from Hamilton were said to have been found, directing him to stimulate the Indians to hostility, was sent a prisoner to Virginia. Several slaves belonging to him were confiscated, and sold for £500, which was divided among the troops as prize money. Clark at once established friendly relations with the Spanish commander at St. Louis, on the other side of the Mississippi.

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The news of the alliance between France and the United States, and the respect shown for their property and religion, tended to reconcile the French inhabitants of Kaskaskia to the change. A deputation sent to Vincennes, or St. Vincent's, on the Wabash, induced the people there also to take an oath of allegiance to Virginia. A party, sent to Richmond with the news, carried orders from Clark for building a stockade at the falls of the Ohio, first rudiment of the present city of *Louisville*.

The Virginia Assembly erected the conquered country, embracing all the territory north of the Ohio claimed as within their limits, into the county of ILLINOIS. Five hundred men were ordered to be raised for its defense, an order which Clark had in part anticipated by enlistments made on his own responsibility.

Oct.

The Six Nations, though somewhat discouraged by the result of Burgoyne's invasion, still adhered, except the Oneidas and Tuscaroras, and a part of the Mohawks, to the British interest. The Loyalist corps, under Johnson

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and Butler, occupied the posts in Western New York, and Tory refugees, settled among the Indians, were always ready to stimulate them to hostilities.

Among the settlements most exposed to attack was Wyoming, on the Susquehanna, the jurisdiction of which was still in dispute between Connecticut and Pennsylvania, a dispute several times brought before Congress, but as yet undecided, notwithstanding the advice and good offices of that body to bring about an amicable arrangement. There had come in among the Connecticut settlers at Wyoming a number of Dutch and Scotch from New York, some thirty of whom, shortly after the commencement of the war, had been seized under suspicion of being Tories, and sent to Connecticut for trial. They were discharged for want of evidence; but if not Tories before, they soon became so. Returning to the Valley of the Mohawk, whence they had emigrated to Wyoming, they enlisted into the partisan corps of Johnson and Butler, and waited eagerly their chances of revenge.

Though Wyoming did not number three thousand inhabitants, it had furnished two full companies to the Continental army, and had thus, in a manner, deprived itself of the means of defense. Congress, upon rumors of intended Indian hostilities, had ordered a third company to be raised as a local garrison; but this corps was as yet hardly organized, and very imperfectly armed. Such was the state of the settlement when there appeared at the head of the valley an overwhelming force of Tories and Indians, principally of the Seneca tribe of the Six Nations, led by Colonel Butler. Some of the inhabitants were waylaid and slain. The upper fort, held by disaffected persons, surrendered at once. The company of Continentals, with all such others as could be mustered, marched out to meet the enemy; but they were sur-

rounded, defeated, and driven back with heavy loss; and several who were taken prisoners were put to death by the Indians with horrible torments. Those who escaped fled to Fort Wyoming, which was speedily invested. The surviving Continentals, to avoid being taken prisoners, embarked, and escaped down the river; after which the fort surrendered upon promise of security to life and property. Desirous to fulfill these terms, Butler presently marched away with his Tories; but he could not induce the Indians to follow. They remained behind, burned the houses, ravaged the fields, killed such as resisted, and drove the miserable women and children through the woods and mountains to seek refuge where they might.

These barbarities, greatly exaggerated by reports embodied since in poetry and history; excited every where a lively indignation. Wyoming was presently reoccupied by a body of Continental troops. A Continental regiment of the Pennsylvania line, stationed at Schoharie, penetrated to the neighboring branches of the Upper Susquehanna, and destroyed the settlement of Unadilla, occupied by a mixed population of Indians and refugees. The Indians and Loyalists soon took their revenge by surprising Cherry Valley. The fort, which had a Continental garrison, held out; but Colonel Alden, who lodged in the town, was killed, the lieutenant colonel was made prisoner, and the settlement suffered almost the fate of Wyoming. Resolved to crush these dangerous internal enemies, Congress ordered a large force on that service; but the approach of winter made it necessary to wait.

The people of Georgia had been a good deal annoyed by predatory parties from East Florida, led by refugees who had found shelter there, and who exercised a pre-dominating influence over the Creek Indians. The better

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CHAPTER to undertake an expedition against St. Augustine, Gen-
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1778. ern department, removed his head-quarters from Charleston to Savannah. John Houston, elected governor of Georgia the January preceding, joined in the expedition, and some militia also from South Carolina. The troops crossed the Altamaha, and penetrated with difficulty as far as the St. Mary's; but the expedition was retarded and interrupted by disputes about command, by sickness among the men, and the loss of draught horses, and was presently abandoned.

The refugees of Florida retorted by an invasion in their turn. One party penetrated to the Ogeechee. Another, approaching by water, laid siege to Sunbury, but soon retired without accomplishing any thing.

The bills of credit still continued the main financial resource of Congress; and, as they went on depreciating, the issue of necessity became greater and greater. In addition to the twenty-three millions and a half issued during the first six months of the year, five millions were authorized in July, fifteen millions in September, and ten millions each in November and December, making an issue of sixty-three millions and a half during the year, and raising the whole amount outstanding to near a hundred millions. Several millions of these bills had been exchanged for certificates of loan bearing interest; but the bills thus borrowed had been immediately paid out again, and the certificates of loan, serving themselves to a certain extent as a currency, helped also to increase the depreciation, which, before the end of the year, amounted in the North to six, in the South to eight for one.

The Loyalists at New York having made it a business to counterfeit the paper, Congress was obliged to withdraw from circulation two entire emissions, amounting

to ten millions of dollars. A rumor that the bills would never be redeemed, but would be suffered to sink in the hands of the holders, was denounced as "false and derogatory to the honor of Congress." In addition to fifteen millions of paper dollars which the states had just been called upon to raise by taxes, a further call was made for six millions annually for eighteen years, to commence with 1780, to be appropriated to pay the interest of all loans made to the United States previous to that year, the balance, as well as the fifteen millions previously called for, to be canceled. But measures so feeble were totally insufficient to support the failing credit of the Continental paper.

During the current year, the total expenditure of Congress amounted to sixty-seven millions of paper dollars, worth in specie about twenty-four millions, being nearly the same amount expended the year preceding. The great expenditure and complicated accounts of Congress had made it necessary to create additional treasury officers. Besides the auditor and treasurer, officers already existing, a controller and two chambers of accounts were constituted, to act under the committee which had the general superintendence of the treasury.

When John Adams arrived at Paris, he found a very violent quarrel going on there between Deane and Franklin on the one part, and Arthur Lee on the other; nor did the recall of Deane bring that quarrel to an end, though Adams avoided as much as possible being mixed up with it. To get rid of this dispute, and the inconveniences thence arising, Congress appointed Franklin sole commissioner to the court of France, Arthur Lee still retaining his commissionership to Spain, though not allowed, as we have seen, to enter that country. In this new arrangement no notice was taken of Adams not even

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so far as to send him letters of recall ; and, not a little piqued at this neglect, he hastened home, intending, as 1778. he wrote to his wife, to return to the practice of the law at Boston, "to make writs, draw deeds, and be happy!" The commissioners at Paris had obtained from the French court a small loan of three millions of livres, about \$500,000 ; but this proved a very insufficient fund out of which to meet their various engagements for the purchase of arms and stores, and the equipment of cruisers, and to pay the bills for interest drawn upon them by Congress.

The Articles of Confederation, referred to the states, had come back with divers proposed amendments, all of which, however, were disagreed to in Congress ; and in the course of the current year the articles were ratified, under special powers for that purpose, by the delegates of all the states except Delaware and Maryland ; but, as unanimity was necessary, the holding back of these states prevented the articles from going into effect.

The presidency of Congress, resigned by Laurens, was
Dec 10. conferred on Jay, who had reappeared in that body after a two years' absence, during which he had been busily employed in the local affairs of New York.

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DIPLOMATIC TROUBLES. TREASURY AND ARMY. GEORGIA SUBDUED. SOUTH CAROLINA INVADED. BRITISH MÄ-RAUDING EXPEDITIONS. PENOBSCOT OCCUPIED BY THE BRITISH. CONQUEST AND SETTLEMENTS IN THE WEST. EXPEDITION AGAINST THE SIX NATIONS. TERMS OF PEACE DISCUSSED. SPAIN BECOMES A PARTY TO THE WAR. UNSUCCESSFUL ATTACK ON SAVANNAH. ISSUE OF PAPER MONEY STOPPED. NAVAL AFFAIRS.

ALMOST the whole business of the commissioners to France, so far as related to the receipt and expenditure of money, had passed through the hands of Deane, of 1778. whose capacity and honesty Franklin entertained a high opinion, and of whom John Adams afterward said "that he had been a diligent servant of the public, and had rendered useful services." Arthur Lee, an unquiet, envious, irritable, and suspicious man, very anxious to obtain for himself the sole management of the mission, had quarreled, soon after his arrival at Paris, with Franklin and Deane, and had written home letters full of insinuations against both his colleagues. Izard, dissatisfied, it would seem, at not having been consulted about the French treaty, had written home similar letters. Carmichael, who had been employed at Paris as an agent or secretary of the commissioners, but who was now in America, and was presently chosen a delegate to Congress from Maryland, insinuated that Deane had appropriated the public money to his own use. He and Deane were examined at the bar of Congress; and Deane final-

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- ly made a written report. Out of this affair sprung two violent parties. Robert Morris, and other members of
1778. Congress well acquainted with mercantile matters, took the side of Deane. But there was a powerful party against him, headed by Richard Henry Lee, brother of Arthur Lee, and chairman of the Committee for Foreign Affairs. Deane published in the Philadelphia Gazette an "Address to the People of the United States," in which he commented with much acrimony on the conduct of Richard Henry Lee, and his two brothers, Arthur and William, claiming, also, credit to himself, among other things, for the supplies obtained through Beaumarchais.
1779. A reply soon appeared in the Philadelphia Packet, written by Paine, the author of "Common Sense," who, besides a gratuity of £500 from the State of Pennsylvania, had been rewarded for that pamphlet by the post of secretary to the Committee for Foreign Affairs. Availing himself of documents in his custody, Paine contended, in reply to Deane, that the arrangement with Beaumarchais had in fact been made by Arthur Lee in London; and that those supplies, though nominally furnished by a mercantile house, came really from the French court.

Gerard, the French ambassador, complained loudly of Paine's publication, as involving a charge of duplicity in the conduct of the French court toward Great Britain. Paine, in consequence, resigned his office; and, to appease the French minister, a resolution of Congress expressly denied that any present of supplies, previous to the late treaty of alliance, had been received from the French court. The precise state of facts in relation to this matter has never been fully ascertained. Some of the stores shipped by Beaumarchais were certainly derived from the royal arsenals. An examination of the

French treasury books, made subsequently to the French Revolution, showed that a million of livres in money had been furnished to Beaumarchais by the French court. This advance, however, though suspected, was a state secret; nor could any information on the subject be obtained from Vergennes, to whom Franklin had been directed to apply. The shipments by Beaumarchais amounted to a much larger sum, exceeding, according to his account, a million of dollars. He gave credit for the proceeds of certain cargoes of tobacco remitted by Congress; but a very heavy balance still remained, for which he had an agent at Philadelphia soliciting repayment.

Beaumarchais presently obtained from Congress, toward the liquidation of his account, bills of exchange, payable three years after sight, drawn on Franklin, for near half a million of dollars, and by him accepted, and paid when due out of funds lent by the French court. The accounts of Beaumarchais seem to have been very carelessly kept. This was one of the charges against Deane; but it seemed to bear with almost equal weight against both Lee and Franklin.

The discussion respecting the diplomatic agents grew warmer and warmer, till it was finally proposed to recall them all. Iznard and William Lee were recalled. Their missions, indeed, had been perfectly useless. Deane was finally discharged from his long and irksome attendance on Congress, with a paltry allowance for his time, which he refused to accept; and he presently returned to Europe for the settlement of his accounts, under which he claimed a large balance against the United States. Though he had entered Congress with the reputation of being a rich man, this claim seemed now to constitute his sole pecuniary means. Congress neglected to appoint any body to act for them in the settlement of the accounts of their

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agents abroad; and Deane, thus deprived of all resources, was reduced to great pecuniary distress. No proof appears that he had been dishonest, or had employed the public money in speculations of his own, as his enemies alleged; but he had occupied the unfortunate position of having large sums of public money pass through his hands before any proper system of vouchers and accountability had been established, and he fell before the same spirit of malignant accusation which presently assaulted Wadsworth, Greene, Morris, and even Franklin himself, but which they had better means for warding off. Some letters from Deane to his friends in America, intercepted and published a year or two afterward, in which he expressed the wish and hope for an accommodation with Great Britain, ruined him forever, and extinguished the least desire to do him justice.

While distracted by these disputes, Congress was reduced to a very low ebb. Many of the ablest members had left it, and were devoting their attention to the affairs of their respective states. The number in attendance seldom amounted to thirty, and was often less than twenty-five. Washington passed five weeks at Philadelphia early in the year, in conference with a committee of Congress, and his letters at that period evince his serious alarm at the state of affairs.

A grand scheme had been devised by Congress for the invasion and conquest of Canada by the aid of a French fleet which Franklin had been instructed to solicit. But, in the present state of the treasury and army, Washington regarded such an enterprise as wholly impracticable. He entertained some suspicions, also, that such an enterprise, even if successful, might inure rather to the advantage of France than of the United States. The French court, however, discouraged this project of con

quest ; and, in consideration of the weakness of the army and the emptiness of the treasury, it was resolved to limit offensive operations to an attack on Detroit and an expedition against the Six Nations. CHAPTER XXXIX.

With a hundred millions of the Continental paper money in circulation, Congress commenced the new year by authorizing the issue of fifty millions more, for the redemption of which, on or before the first of January, 1797, the faith of the United States was pledged, under the futile scheme already mentioned of the contribution by the states of six millions annually for eighteen years. As all the channels of circulation were already full to overflowing, these notes could derive little or no additional value from their character as a currency. Considered as an investment, what would be the worth of the notes of the most solvent promiser, not bearing interest, and not payable for eighteen years? The issue, however, did not stop here. Ten millions more were authorized in February, with twenty additional millions of loan-office certificates—a great superfluity, since the loans previously authorized were far from being taken up. In April, five millions more of bills of credit were authorized ; and in May and June, twenty millions more. Under this rapid issue, the depreciation soon reached twenty for one ; and Congress, in alarm, called upon the states to pay in, during the current year, besides the fifteen millions already called for, forty-five millions more of the bills.

Among the other evils to which the rapid depreciation of the paper gave rise was a spirit of speculation and fraud on the one side, and of unfounded jealousies and suspicions on the other. Even the most intelligent of those who had not made the subject a particular study were inclined to ascribe to an extortionate spirit that constant and alarming rise of prices, chiefly due to the

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rapid depreciation of the paper. "It gives me very sincere pleasure to find," wrote Washington to Reed, now 1779. President of Pennsylvania, "that the Assembly is so well disposed to second your endeavors in bringing those murderers of our cause, the monopolizers, forestallers, and engrossers, to condign punishment. It is much to be lamented that each state, long ere this, has not hunted them down as pests to society, and the greatest enemies we have to the happiness of America. I would to God that some one of the more atrocious in each state was hung in gibbets upon a gallows five times as high as the one prepared for Haman. No punishment, in my opinion, is too severe for the man who can build his greatness upon his country's ruin." When Washington wrote in this strain, what was to be expected of the inconsiderate multitude? These complaints, though greatly exaggerated, were not altogether without foundation. In place of the old moneyed and mercantile interest, almost annihilated by the Revolution, a new moneyed interest had sprung into existence since the war, and, as the resources of Congress and the states diminished with the rapid decline of public credit, began to exercise a constantly increasing influence over American affairs. Sudden fortunes had been acquired by privateering, by rise in the prices of foreign goods, by the sutlers who followed the camp, and by others who knew how to make money out of the great public expenditures. It was remarked that, while the honest and patriotic were impoverished, rogues and Tories were fast growing rich.

While Congress continued to put forth issue after issue of new paper—their only resource for carrying on the war—what wonder if an operation so inevitably injurious to the weak, the ignorant, and the honest, should be imitated by individual speculators? what wonder if

capitalists and traders strove to take advantage, for their own private benefit, of the necessities of the army and of the wants of the public? But, instead of mending the matter, the laws against forestalling and engrossing only aggravated it. Those laws, evaded by rogues, operated only to the disadvantage of the honest. CHAPTER XXXIX.

Upon the report of a committee appointed to confer with Washington, the constitution of the army underwent some modifications. Of the sixteen additional battalions raised at large, several had been already disbanded for want of recruits. Those which remained were continued on their old footing, as were also Hazen's Canadian regiment, and the three independent corps commanded by Armand, Pulaski, and Lee. The four regiments of cavalry and the artillery, amounting to forty-nine companies, hitherto independent establishments, raised at large, were now to be credited toward the quota of the states in which they had been enlisted. These state quotas, by the new arrangement, were reduced to eighty battalions: Massachusetts to furnish fifteen, Virginia and Pennsylvania eleven each, Connecticut and Maryland eight each, the two Carolinas six each, New York five, New Hampshire and New Jersey three each, Rhode Island two, Delaware and Georgia one each. Huger of South Carolina, Sumner and Hogan of North Carolina, Gist of Maryland, and William Irvine of Pennsylvania, were added to the list of brigadiers.

Congress allowed each state two hundred dollars bounty for each recruit, and the states made large additional offers; but the depreciation of the paper had reduced this high-sounding sum to a very moderate amount. It became necessary again to fill up the ranks by draughts from the militia; and even in this way they were never more than half full.

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The whole force of the American army, exclusive of the few troops in the southern department, consisted, late 1779. in the spring, of only sixteen thousand men. Of these, three thousand were in New England, under Gates, whose head-quarters were now at Providence; seven thousand were still in the neighborhood of Middlebrook, Washington's head-quarters during the past winter; of the remaining six thousand, a part were in the Highlands, under M'Dougall, employed there in completing the defenses of West Point, and a part on the east side of the Hudson, under Putnam. As the British had eleven thousand men at New York, and four or five thousand at Newport, it was impossible for Washington to attack either place with the least hope of success.

A four years' war had satisfied the British ministry how difficult was the task of reducing the northern and middle colonies. Not having succeeded in reaching the head or heart of the confederacy, they resolved now to strike at its extremities. During the remainder of the war, the Southern states were the principal theater of action. The fate of immense and fertile regions was decided by armies consisting of a few regiments only, and by engagements which, in the bloody annals of modern European warfare, would be regarded as scarcely more than skirmishes. But the importance of battles does not depend upon the forces engaged, or on the numbers of killed and wounded. History, indeed, as she grows more enlightened and humane, would gladly turn away altogether from such wretched scenes of hate and carnage, and she dwells upon them only in proportion to their political consequences, and their connection with civil affairs. In this point of view, the incidents of the southern campaigns become worthy of particular attention.

Howe's command in the southern department had not

given satisfaction; and, at the request of the southern delegations in Congress, Lincoln had been sent to supersede him. He had hoped to lead a new expedition against Florida; but, on arriving at Charleston, was obliged to give up any such ideas. CHAPTER XXXIX.
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The South Carolina Legislature had adopted, a few months before, a new Constitution, differing from the first one principally in depriving the governor of his veto power. On that ground, esteeming it too democratic, Rutledge had refused to sign it; but he had yielded so far to the will of the Legislature as to resign. Rawlins Lowndes, his successor, signed the new Constitution, and had been chosen the first governor under it.

The six South Carolina regiments, composing, with the Georgia regiment, the regular force of the southern department, did not muster above eight hundred men in the whole; nor was it possible to fill up the ranks. These troops were at Savannah, where Howe still commanded. The paper money of South Carolina had depreciated to such a degree that a pair of shoes cost \$700, and other articles in proportion. It was found excessively difficult to supply with arms a body of militia sent from North Carolina. To add to Lincoln's troubles, news presently arrived of the capture or dispersion of the Continental troops at Savannah, and of the occupation of Georgia by the British.

The detachment from New York of three thousand five hundred men, commanded by Colonel Campbell, to operate against Georgia, has been already noticed. Having entered the Savannah just at the close of the year, Dec. 28 they landed on the right bank, some miles below the town. Howe placed himself in front of Savannah with six hundred Continentals and as many militia, his left resting on the river, and his right and rear covered by a

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morass, across which, as he supposed, there was but one practicable road. Informed by a negro of a private path,

1778. Campbell threw a detachment behind Howe; and the Americans being attacked at once in front and rear, were put to complete rout. The British loss did not amount to thirty. Of the Americans, four hundred and fifty were taken prisoners, and Savannah, with the artillery, stores, and shipping, fell into the hands of the victors.

Orders had been sent to General Prevost, who commanded in East Florida, to unite his forces to those under Campbell, and to assume the command. He had marched, accordingly, with seven hundred men; but, in traversing the uninhabited coast which then separated Florida and Georgia, his troops suffered severely from lack of provisions, having sometimes nothing but oysters

1779. to eat. When at length he appeared before Sunbury, Jan. 9. that post, garrisoned by two hundred Continentals, surrendered at once.

Prevost pressed forward to Savannah, and, having assumed the command, dispatched Campbell against Augusta, which also surrendered, the garrison escaping across the river. A proclamation was issued, offering pardon to all who would return to their allegiance. The more conspicuous of the patriots fled for safety to South Carolina; all those suspected of disaffection were disarmed, and the whole state quietly submitted to the invaders.

As soon as news of these misfortunes arrived at Charleston, the South Carolina militia were called out; but very few obeyed the summons. Lincoln's chief force consisted in the militia lately arrived from North Carolina. These, with the fragments of Howe's army, amounting in the whole to some fourteen hundred men, he stationed to guard the passages of the Savannah. The force under Prevost was much larger; but he hesitated to cross

a river, the marshy borders of which were often overflowed to the width of three or four miles, and only threaded at one or two points by narrow causeways. Some attempts were made, indeed, to advance by the sea-coast. A British detachment took possession of Port Royal, but was attacked and repelled by Moultrie. CHAPTER XXXIX.
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The population of the three Southern colonies, very diversified, was without any unity of sentiment or interest. The wealthy planters in the low country along the sea-coast were, for the most part, zealous Whigs; but the superabundance of slaves, far exceeding the whites in number, left that region without soldiers. In the interior, scattered settlements of Dutch, Germans, Quakers, Irish Presbyterians, and Scotch Highlanders occupied separate districts, with very little of intermixture, or even of intercourse. The Quakers, Dutch, and Germans troubled themselves little with politics, but they favored peace and quiet, and were disposed to submit to the invaders. The Scotch-Irish were generally ardent Whigs, and so were the backwoodsmen, who had recently penetrated among the mountains of the West, made so, in part at least, by Indian hostilities, which they attributed to British influence. The Scotch Highlanders were mostly Tories, and so were the Regulators in the interior of North Carolina. The British and Scotch traders, who exercised no little influence over the interior villages, were generally Tory in their politics.

Encouraged by the success of the British in Georgia, and prompted by emissaries sent among them, some seven hundred North Carolina Loyalists embodied themselves, and marched across the country toward Augusta. They were attacked on their march by a body of militia from the upper counties of South Carolina, led by Colonel Pickens. The leader of the party was slain, and a large

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1779. number were taken prisoners; but some three hundred kept together, and reached Augusta. Seventy of the prisoners were put on trial for treason, found guilty, and sentenced to death; and five, the most influential and active, were hanged.

Among the British troops in Georgia were four battalions of Carolina refugees, one of them commanded by Colonel Brown, originally a trader, whom the ardent Whigs, at the commencement of the contest, had tarred and feathered, and otherwise tortured. Brown's revenge was implacable. In command at Augusta, he eagerly followed the example lately set by hanging Whig prisoners. Thus began a system of cruelties on both sides which gave to the contest in the three Southern states a character of bitter ferocity quite beyond any thing exhibited at the North.

Feb. Lincoln's force being considerably increased by accessions of militia, he detached General Ashe with fourteen hundred men to occupy a post opposite Augusta. On the approach of this force the British evacuated that town, and retired down the river; Ashe crossed in pursuit, and followed as far as Brier Creek, about half way to Savannah, on which stream he took up a position quite unassailable in front. But by a maneuver similar

March. to that so successful before Savannah, the British threw a detachment into his rear; Ashe's militia, at the first attack, threw down their arms and fled; some four hundred were killed or made prisoners; and of the whole detachment, not more than four hundred and fifty rejoined Lincoln. Seven pieces of cannon and all the baggage fell into the hands of the British, whose loss in the action was only five killed and eleven wounded.

This victory enabled the British to reoccupy Augusta, and to reopen a communication with the Cherokees and

Carolina Loyalists. Secured now in the quiet possession of Georgia, Prevost issued a proclamation reinstating Sir James Wright as governor, and re-establishing the administration and laws as they had been prior to 1775. CHAPTER XXXIX.

Alarmed at the threatening position of the British, the State of South Carolina made every effort to re-enforce Lincoln's army. John Rutledge was induced to accept again the office of chief magistrate, and was invested with extraordinary powers. The Assembly also passed a new and more stringent militia law, under which some additional forces were organized.

Thus re-enforced, Lincoln, in hopes to recover the upper part of Georgia, so as to give the Legislature of that state a chance to assemble, marched toward Augusta, leaving Moultrie, with a thousand militia, to guard the passes of the Lower Savannah. Prevost took advantage of Lincoln's departure to cross the Savannah with three thousand men. Moultrie's militia offered but little resistance, and retreated before him. Information was sent to Lincoln of this movement; but he was already well on his way to Augusta. Content with detaching a battalion to re-enforce Moultrie, he crossed the Savannah, and marched down on the other side, with the double purpose of drawing Prevost back, and of giving encouragement and support to the American party among the inhabitants. At first, Prevost had no intention of marching upon Charleston; but the terror he inspired, and the invitations and assurances of those who flocked to his standard, determined him to do so. Information of this movement being sent to Lincoln by express, the American army recrossed the river, and hastened to the relief of Charleston; but, as Prevost had the advantage of several days' march, the position of that city, wholly without defenses on the land side, became very critical.

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Rutledge was at Orangeburg, trying to assemble the country militia. Had Prevost marched forward with out stopping, he might have entered the town almost without resistance. While he delayed to collect information and arrange his plans, the townspeople were diligently employed in throwing up fortifications, in which every body, bond and free, was alike called upon to assist. Moultrie arrived with his militia, as did also the battalion detached by Lincoln; Rutledge also marched into the town with some additional militia; and, just as the British army approached, Pulaski, detached with his legion for service in the southern department, also made his appearance.

May 11. When summoned to surrender, Rutledge offered to stipulate the neutrality of South Carolina during the war, leaving it to be decided at the peace to whom it should belong. This did not meet the views of the British, who wanted South Carolina as a standing ground whence to operate against the more northern colonies. An assault was expected. But the works were now strong; Lincoln was approaching; and the British army, after foraging for some days among the plantations in the vicinity of Charleston, retired into the island of St. John's, carrying off with them as plunder some three or four thousand slaves.

From the main land to the island of St. John's, across Stono River, a sort of bridge was made of sloops, schooners, and other small vessels, to cover which a redoubt was constructed on the main land. Lincoln having arrived, encamped on Charleston Neck. Presently he appeared before this redoubt, and ordered an attack, in which, after a severe struggle, the assailants were repulsed, with the loss of two hundred men. But Prevost had already determined to retire, and he withdrew first to Beaufort on

Port Royal Inlet, where he left a garrison, and presently, with the main body of his forces, into Georgia. The weather had become very hot; the troops on both sides began to suffer from fever. The militia disbanded, and active operations were suspended for the summer. CHAPTER XXXIX.
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While Prevost was plundering in South Carolina, General Matthews, detached from New York with two thousand five hundred men, was carrying on a similar operation in Virginia. The squadron which escorted these troops having entered the Chesapeake, passed up Elizabeth River, and took the fort and town at Portsmouth with very little opposition. Norfolk, somewhat revived from its ruins, fell also into the hands of the British. These two towns, on opposite sides of the river, were chief places of deposit for the produce of Virginia, and chief seats of her foreign trade, which, in spite of the war, was very considerable. A little higher up, at Gosport, the State of Virginia had established a navy-yard. Not less than a hundred and thirty merchant vessels were burned or taken by the British in the James and Elizabeth Rivers. An unfinished Continental frigate at Portsmouth, and eight smaller ships of war on the stocks at Gosport, were also burned. The suddenness of the attack, the character of the country, every where intersected by navigable rivers, and the large number of slaves among the population, prevented almost the show of resistance. Matthews retired in a few days with a booty, among other things, of three thousand hogsheads of tobacco. The damages inflicted by this foray were estimated at not less than two millions of dollars. May 6

No sooner had this expedition returned than Clinton ascended the Hudson in person with a strong squadron and six thousand men. He landed his troops on both sides of the river, a few miles below the posts at Ver-

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planck's Point and Stony Point, by which the opposite landings of King's Ferry were defended. The works at

J 779. Stony Point, on the west side of the river, were unfinished, and, on the approach of the enemy, were abandoned. Cannon placed in this fort commanded the works at Verplanck's Point, and that post, invested from the land side, was obliged to surrender. It was by King's Ferry that the great road from the Eastern to the Middle States crossed the Hudson; and, in consequence of the loss of it, a tedious circuit through the Highlands became necessary. The garrisons left in the conquered posts were a great annoyance to the surrounding country, and a source of danger to the important but as yet unfinished works in the Highlands. The more effectually to cover those works, Washington changed the position of his army; a large detachment was employed in their completion, and, in the course of the summer, they were mostly finished.

July 4. Shortly after Clinton's return, Tryon made an expedition up the Sound with two thousand six hundred men, in the course of which he plundered New Haven, and burned Fairfield and Norwalk. He then proceeded to Sag Harbor, at the east end of Long Island, and was preparing for a descent on New London, but was suddenly recalled in consequence of an alarm occasioned in New York by the surprise of Stony Point—an enterprise planned by Washington, and very vigorously executed by Wayne.

July 16. Two columns, from different points, entered the works about one in the morning; the surprise was complete; some sixty of the garrison were killed, and the remainder, to the number of five hundred and fifty, were made prisoners. Wayne's loss in killed and wounded was about one hundred. Operations were commenced against Verplanck's Point; but the British army marched out of New

York to defend it, and Washington, who did not choose to risk a battle, found it necessary to abandon Stony Point, which the British reoccupied. CHAPTER XXXIX.
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A British force of five or six hundred men from Nova Scotia, penetrating into the eastern and unsettled parts of Maine, had established themselves in a post on the Penobscot. The State of Massachusetts fitted out an expedition to dislodge these intruders. The naval part of it, consisting of nineteen armed ships, three of them Continental vessels, was placed under the command of Saltonstall, a Connecticut sea-captain in the Continental service. This fleet conveyed to the Penobscot fifteen hundred militia, commanded by General Lovell, a brave man and a favorite with the troops, but without military experience. With the loss of one hundred men he effected a landing near the enemy's post; but, finding the intrenchments too strong to be carried by assault, he sent back to Gates, at Boston, for a detachment of Continentals. The news of this expedition having been carried to New York, Sir George Collier, who had recently succeeded to the naval command on the American station, sailed for the Penobscot with five heavy ships of war. The Massachusetts army, as he approached, abandoned their works and re-embarked, intending to ascend the river out of reach of the British ships. As the enemy gained upon them, five frigates and ten smaller vessels were run on shore and blown up. The others fell into the hands of the British. The soldiers and seamen escaped to the shore; but all that region was then desert and uninhabited. Dividing into small parties and suffering much for want of provisions, the soldiers wandered through the woods near a hundred miles before they could reach an inhabited country. Saltonstall was tried by court martial and cashiered. Besides the mortification

July 28.
Aug 13

CHAPTER of failure and disgrace, this expedition involved a heavy
 XXXIX. expense, which remained for several years a bone of contention before Congress would consent to assume it as a federal charge.

Aug. 18. The surprise of Paulus Hook (now Jersey City), a post held by the British opposite New York, and the capture of the garrison, reflected not a little credit on Lee's corps, by which that feat was accomplished. But between the main armies little more than skirmishes occurred. Not Washington only, but Clinton also, complained of a deficiency of forces. Listening with eagerness to the flattering and plausible accounts transmitted by the American refugees of the exhaustion of the American states, Lord George Germaine was negligent in forwarding the necessary supplies and re-enforcements, and expected from Clinton, as he had done from Howe, a great deal more than he was able to perform.

Clark, still commanding in the newly-conquered Illinois, had given fresh proofs of vigor and enterprise, and a further extension to the authority of Virginia. Hamilton, the British commandant at Detroit, had descended to Vincennes, on the Wabash, with a party of eighty soldiers, to watch Clark, and to organize an expedition against him, in which he expected to be largely aided by the Indians. Informed by a French trader of Hamilton's presence at Vincennes, Clark mustered one hundred and seventy men, and, after a sixteen days' march, five of which were spent in wading the drowned lands on the Wabash, he suddenly appeared before that town. It surrendered at once, and the fort capitulated after a short struggle. Hamilton was sent prisoner to Virginia, and, on the charge of having instigated the Indians to cruel hostilities, was kept in close jail, and treated with much severity. By giving greater security against the Indians

Jan.

Feb. 23.

north of the Ohio, this conquest facilitated the settlement of Kentucky. The number of "stations" began to multiply. The erection of a block-house marked the commencement of the present city of *Lexington*. By the Virginia land system, as established by law, all who had settled west of the mountains before June, 1778, were entitled to claim four hundred acres without any payment, if they chose to pay taxes on so much, and they had a right of pre-emption to an adjoining thousand acres. Warrants were to issue on the payment of £40 per hundred acres—a price nominally high, but reduced by the depreciation of the currency to a trifle. To actual settlers, "too poor to procure lands in the ordinary method," a credit of two years and a half was presently allowed, the price for a four hundred acre lot being reduced to twenty specie dollars. The whole tract between the Green River and the Tennessee was expressly reserved for military bounties. To guard against Indian hostilities, the grant or settlement of any lands northwest of the Ohio was expressly forbidden. Subsequently, however, a grant of one hundred and fifty thousand acres on the north bank of the Ohio, immediately opposite the falls of that river, was made to Clark and his associates in the conquest of Illinois. To Clark himself, however, that enterprise proved but a ruinous business. To subsist his troops at Vincennes, he was obliged to make forced loans on the traders, for which he drew drafts on the treasury of Virginia. These drafts being protested, Clark was called upon personally to pay them, and subsequently was involved, in consequence, in great pecuniary embarrassments.

While Clark was thus extending the domain of Virginia, the first settlements took place in Western Tennessee, under the guidance of that same James Robert

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April.

May

CHAPTER son, eleven years before the patriarch and founder of East
XXXIX Tennessee. With a company of ten persons, he fol-

1779. lowed the Oby to its junction with the Cumberland; some of his companions embarked there, while the rest pursued the river banks by land to the spot now the site
May. of the city of *Nashville*, where they were soon joined by some thirty or forty others. Having planted a crop of corn, and leaving three persons to watch it, they returned for their families. Some traveled through the
Aug. woods, driving their cattle before them; others embarked, with the women and children, on the head waters of the Tennessee, intending to descend that river to its mouth, and then to proceed up the Cumberland. But, delayed by the ice of an uncommonly severe winter, they did not reach their destination till the following spring.

Upon the expiration of Henry's third term of office as governor of Virginia, not being re-eligible under the Constitution, Jefferson was chosen to succeed him. To prevent disputes about jurisdiction, commissioners were mutually appointed to run the boundary line between Virginia and North Carolina. When they reached the summit of the Cumberland Mountain, they differed; the North Carolina commissioner abandoned the survey; but Walker, the commissioner for Virginia, continued it as far as the Tennessee River, down which he descended, and ascertained, by observation, the point on the Mississippi where the line ought to strike. Just above that
June. point Fort Jefferson was presently erected, in the country of the Chootaws. The settlements about Nashville, erected into the county of *Davison*, notwithstanding some annoyances from the Indians, had a rapid growth. Walker's boundary line, owing to misallowance for deviation of the compass, inclined somewhat to the north—a circumstance which recommended it as the true boundary
1780. April.

to North Carolina; and as such, so far as concerns Ten-
nessee, it still continues to be recognized.

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The Senecas, meanwhile, and the refugees among
them, continued their depredations on the frontiers of
New York and Pennsylvania. The Onondagas, though
professing neutrality, were believed to share in these hos-
tilities, and a detachment from Fort Stanwix, moving
suddenly upon them, destroyed their villages. The In-
dians retorted by assailing the settlements of Schoharie,
in New York, and the western borders of Ulster county.
The frontiers of Pennsylvania, particularly the vicinity
of Pittsburg, were exposed to similar assaults.

April.

Owing to the thinness of the Continental army, and
to the low state of the finances, the proposed enterprise
against Detroit had been abandoned. That against the
Six Nations, of which the main object was the capture
of Fort Niagara, was a good deal delayed for want of
means to put the troops in motion. The officers of one
of the New Jersey regiments ordered on this expedition
sent a memorial to the Legislature of that state, demand-
ing, in very peremptory style, a provision, within three
days, for the pressing wants of the officers and men.
This memorial, which looked very much like a threat,
placed the Legislature in an awkward predicament.
Their honor was partially saved by the officers agreeing
to withdraw their memorial, it being understood that the
Legislature should at once take into consideration the de-
mands contained in it. The sum of £200 was accord-
ingly voted to each officer, and \$40 to each man, and
the money forwarded at once.

May

The command of the enterprise against the Indians,
declined by Gates, was given to Sullivan. Three brig-
ades from the main army, under Poor, Hand, and Max-
well, New Hampshire, Pennsylvania, and New Jersey



CHAPTER XXXIX. troops, were assembled at Wyoming. A New York brigade, under James Clinton, hitherto employed in guarding

1779. the frontier of that state, crossed from the Mohawk to Lake Otsego, dammed the lake, and so raised its level, and then, by breaking away the dam, produced an artificial flood, by the aid of which the boats were rapidly carried down the northeast branch of the Susquehanna to form a junction with Sullivan.

While this junction was still delayed, Brant surprised, plundered, and burned the village of Minisink, near the northwest corner of New Jersey. A detachment of the Orange County militia, to the number of a hundred and fifty men, marched in pursuit, but they fell into an ambush July 22. from which only thirty escaped.

Sullivan's army, amounting to five thousand men, Aug. 22. passed up the Chemung branch of the Susquehanna. At Newtown, now Elmira, they encountered a strong body of the enemy, partly Indians and partly Tories, under Brant, the Butlers, and Johnson, intrenched on a rising ground, and disposed in ambuscade. Sullivan detached Poor to gain their rear, while he attacked them in front with artillery. Having put them to rout, he crossed to the hitherto unexplored valley of the Genesee. That want of food might compel the Indians and their Tory allies to emigrate, every thing was ravaged. The ancient Indian orchards were cut down; many bushels of corn were destroyed; and eighteen villages, composed largely of frame houses, were burned. This expedition through an unknown country, covered, for the most part, with thick forests, was extremely laborious; provisions failed—such, at least, was the reason that Sullivan gave—and the attack upon Niagara, the great object of the enterprise, was abandoned.

A simultaneous expedition from Pittsburg ascended the

Allegany, and visited with similar devastation all the Indian villages along that river. Pending these operations, and to prevent any aid from Canada, divers artifices were employed by Washington to create the belief of an intended invasion of that province. CHAPTER XXXIX.
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The expedition of Sullivan did not accomplish its main object. The Indians and Tories of western New York, though dispersed for the moment, soon renewed their depredations—an annoyance which continued as long as the war lasted, and to which the fury of revenge added new ferocity.

Sullivan had complained, during the expedition, of the insufficiency of the means at his disposal; his temper was hot and quick; and the freedom with which he expressed his opinions strengthened the party against him in Congress. On the score of ill health, he offered to resign his commission; and all the efforts of his friends to procure him a temporary relief from active service did not avail to prevent its acceptance. He presently took his seat in Congress as a delegate from New Hampshire.

The Spanish court had come forward, early in the year, as a mediator between France and Great Britain; and, pending this offer, the French ambassador had been urgent with Congress to fix what terms of peace they would accept, and to appoint ministers authorized to negotiate. The Spanish offer of mediation being first evaded and then rejected by Great Britain, the Spanish court had published a manifesto, equivalent, in fact, to a declaration of war. Though rapidly sinking in the scale of European importance, Spain still possessed a powerful navy, equipped from the proceeds of her American mines. With her vast colonial empire, not liking the example of transatlantic rebellion, she had looked but coldly on the American cause. Yet she was anxious to recover Flori-

June

III.—T

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da ; and she hoped to acquire, as a part of that province, a large tract east of the Mississippi. She was also especially anxious to regain the fortress of Gibraltar, the possession of which by the British gave a severe shock to the national pride. But, though she joined France in the war against Great Britain, Spain did not yet acknowledge the independence of the United States.

The state of the French finances was such as to make the French court very anxious for a speedy termination of the war ; and hence the suggestions of M. Gerard to Congress, repeated by his successor, the Chevalier Luzerne, that the Americans ought, perhaps, to be satisfied, as the Swiss and Dutch had been, with an indirect acknowledgment of their independence ; and to be moderate, also, in their other demands. Any pretensions to Canada or Nova Scotia were emphatically discouraged. It was suggested that the right to fish on the banks of Newfoundland should not be too pertinaciously claimed ; and, especially, that such concessions should be made to Spain, on the subject of the Mississippi and the country on its banks, as would induce her to come heartily into the alliance.

In all these suggestions something very unpalatable was found ; what the delegates from one section of the States were inclined to yield, those from another section as pertinaciously resisted. After a full discussion of the whole subject, at different times, from February to August, with much warmth, and a great display of sectional feeling, it was finally resolved to insist upon the Mississippi as low down as the thirty-first degree of north latitude for a western boundary. A southern boundary was demanded along that same thirty-first degree east to the Appalachicola, and down that river to meet a due west line drawn from the head of the St

Mary's, and through the St. Mary's to the Atlantic Ocean CHAPTER XXXIX
 —the northern boundary of Florida, as fixed by the proclamation of 1763. The original limits of the provinces 1779
 of Quebec, as established by that same proclamation, were adopted for the northern boundary—a line drawn from the outlet of Lake Nepissing to the St. Lawrence at the forty-fifth degree of north latitude; thence along that parallel across the foot of Lake Champlain to the head of the Connecticut; thence by the height of land separating the waters flowing into the St. Lawrence from those flowing into the sea, to meet a due north line drawn from the head of the St. Croix; which line and the St. Croix itself, from its source to its mouth, were to form the northeastern boundary. But, rather than to continue the war, the peninsula included between Lakes Erie, Ontario, and Huron was to be yielded up. The explicit acknowledgment of the independence of the United States was made an indispensable condition. Massachusetts was very urgent that the right to fish on the banks of Newfoundland should be placed on the same footing. Virginia was equally zealous for the free navigation of the Mississippi. But, in the instructions finally agreed to, neither was insisted on as absolutely indispensable. In separate instructions, however, for the negotiation of a treaty of commerce with Great Britain, the right to fish on the banks of Newfoundland was made indispensable.

On the question of appointing a minister to negotiate for peace and commerce under these instructions, the same sectional feeling displayed itself. The ordinary division of parties in Congress was between New England and Pennsylvania on the one side, and New York and the South on the other. Adams, who had returned from France in the same ship with Luzerne, the new French minister, was the Eastern candidate; Jay was proposed and

CHAPTER XXXIX supported by the South. This difference was compromised by appointing Adams commissioner to negotiate 1779. with Great Britain, and, at the same time, sending Jay to Spain to negotiate for the free navigation of the Mississippi, and a loan of five millions of dollars—Arthur Lee's commission to the Spanish court being thus superseded, in spite of all the efforts of his friends to prevent it. Lee presently came to America, and was appointed a delegate to Congress from Virginia. Carmichael and Dana, both members of Congress, one from Maryland and the other from Massachusetts, were appointed secretaries of legation—Dana to Adams, and Carmichael to Jay. Laurens was appointed, a month or two after, commissioner to Holland, to negotiate a loan; but several months elapsed before his departure.

The presidency of Congress, made vacant by Jay's appointment to the Spanish mission, was filled by Samuel Huntington, of Connecticut.

Galvez, the Spanish governor at New Orleans, was prompt to take steps for establishing a claim to the territory east of the Mississippi. As soon as he heard of the declaration of war, he invaded West Florida with a force of fourteen hundred men, Spanish regulars, American volunteers, and people of color. Fort Bute, at Pass Manchao, was taken without difficulty. The principal British force, four hundred regulars and one hundred militia, was stationed at Baton Rouge; but that post speedily surrendered, as did also Fort Panmure, recently built near Natchez. By another expedition a few months after, Mobile was captured, leaving Pensacola the only post of West Florida in the possession of the British.

Military and naval operations of considerable importance had meanwhile occurred in the West Indies. Previous to D'Estaing's arrival, the Island of Dominica had

already been taken from the English by a French expedition from Martinique. The English squadron, which sailed from New York the same day that D'Estaing left Boston, arrived first at its destination, and, joining some other ships already there, had proceeded against St. Lucie. The attempt of D'Estaing to relieve that island was not successful; but its climate proved very fatal to the English conquerors. Upon the arrival of Byron's fleet from Newport, D'Estaing took refuge at Martinique. After exhausting every attempt to provoke him to an action, Byron sailed to convoy the homeward-bound West Indiamen on the first part of their passage. During his absence, a detachment from Martinique captured the English island of St. Vincent's. D'Estaing, largely re-enforced from France, sailed also with his whole fleet, and made a conquest of the neighboring island of Grenada; but, before this conquest was quite completed, Byron returned, and an indecisive engagement took place. The English fleet, greatly damaged, put into St. Christopher's for repairs. D'Estaing then sailed to escort the homeward-bound fleet of French West Indiamen; and, having set them on their way, he stood for the coast of Georgia with twenty-two ships of the line.

Aug

A frigate was dispatched to Charleston with news of his arrival, and a plan was presently concerted with Lincoln for an attack on Savannah. Re-enforced by several North Carolina regiments, detached by Washington for service in the southern department, and by the militia, which turned out, on this occasion, in considerable numbers, Lincoln marched with all speed for Savannah, which D'Estaing had already summoned to surrender, having landed a body of French troops before it. Prevost, at the first alarm, had recalled the greater part of the garrison of Beaufort. His troops had worked incessantly in

Sept. 18

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throwing up new intrenchments, and already they had a hundred guns mounted. The besiegers commenced with regular approaches; but D'Estaing soon grew impatient of delay. His fleet, which lay off shore, might be driven to sea in one of those violent storms common on that coast at that season of the year; or it might be attacked by the British fleet, while the troops and part of the guns were employed in the siege; or during his absence from the West Indies, already too long, some dangerous enterprise might be attempted there. The siege must be abandoned, so it seemed to the impatient and anxious D'Estaing, or else the place must be carried by assault. An assault was resolved upon, and made by two columns, one French, the other American. Some of the outworks were carried; but Pulaski, at the head of his legion, having been mortally wounded, the American column retired. The French also were repulsed with great slaughter. D'Estaing, a military as well as a naval officer, received two slight wounds while superintending the attack. The loss of the British was only fifty-five; that of the allies, exceeding a thousand, fell chiefly on the French, who had gallantly assumed the post of danger. As soon as D'Estaing could re-embark his troops, he sailed for the West Indies. Lincoln returned to Charleston, and the militia called out for the occasion were disbanded. This second failure in the attempt at co-operation with the French occasioned no less dissatisfaction than the first.

Resolved to make the South the principal theater of military operations, Clinton had been busy during the summer in strengthening the fortifications of New York. When he heard of the arrival of D'Estaing's fleet off the coast, fearing that New York might be attacked, he strengthened himself still further by ordering the evacuation of Newport, which the British had now held for

about three years. The posts on the Hudson, at Verplanck's Point and Stony Point, were also evacuated, and an expedition just about to sail for the West Indies was detained for the defense of the city. 1779. CHAPTER XXXIX.
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Washington, too, expected the co-operation of D'Estaing in an attack on New York; and, to strengthen himself for it, had called out militia from New York, Connecticut, and Massachusetts. These militia were now disbanded, and Washington went into winter quarters near Morristown. West Point, and the other posts on the Hudson, were guarded by strong detachments. The cavalry were sent into Connecticut.

As Lincoln complained that the Southern militia could not be depended on, Washington's army was still further reduced by detaching the remaining North Carolina regiments, and the whole of the Virginia line, for service in the South.

When assured of D'Estaing's departure, as soon as he could make the necessary preparations, Clinton embarked Dec. 21 for Savannah with seven thousand troops. The Loyalist corps in the British service numbered at this time about five thousand men. Of these, one thousand were already at Savannah; two thousand more sailed with Clinton; the remainder were left at New York with Knipphausen, who held that city with a powerful garrison.

The Treasury Board, lately reorganized much after July 30 the model of the new Board of War, consisted now of three members of Congress, to be changed every six months, and of two permanent commissioners, not members of Congress, under whom were an auditor general, six auditors, a treasurer, and three chambers of accounts. In consequence of this new arrangement, Gerry retired from the Treasury Board, of which he had been the most active member, and generally the president. To assist

CHAPTER XXXIX in settling the forms of business in this and the other executive departments—a source of no little embarrassment 1779. to Congress—their envoys abroad had been instructed to obtain and transmit information as to the methods adopted in these matters in France, Britain, and other countries of Europe.

But no organization of the treasury department could prevent the rapidly increasing depreciation of the bills of credit. Though passing at the rate of twenty for one, the bills were still a lawful tender for the payment of debts; and dishonest debtors availed themselves of the opportunity to discharge their liabilities at a very cheap rate. Washington himself was a sufferer by this species of legalized robbery. Laws limiting prices were still in force in several of the states. The rapid depreciation threw all contracts into confusion. The honest and conscientious, the ignorant and the helpless, were the sufferers, while the shrewd, the artful, and the unscrupulous were enabled to make great gains. To stop the public clamor which this state of things occasioned, Congress resolved that the issue should not exceed two hundred millions in the whole. According to an exposition drawn up Sept. 1. by Jay, and put forth on this occasion, the bills already out and circulating amounted to a hundred and sixty millions. The loans prior to the 1st of August, 1778, the interest of which was payable in bills on France, were seven millions and a half. The loans contracted since, the rate of interest upon which was to increase in proportion to the increase of the issue, were upward of twenty-six millions. The debt abroad was estimated at four millions. Out of sixty millions of paper dollars already called for from the states, only three millions had been paid into the public treasury. About a quarter part of the existing depreciation was ascribed to excess of issue,

the rest was accounted for by "want of confidence." This confidence Congress vainly attempted to restore by lauding the paper as the only kind of money "which can not make to itself wings and fly away ! It remains with us, it will not forsake us, it is always ready at hand for the purposes of commerce, and every industrious man can find it !" Such were the miserable sophistries to which Congress was reduced, and to which even such men as Jay consented to give currency. CHAPTER XXXIX.
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In spite of these laudations, the paper continued to depreciate, and prices to rise. This rise, which many chose to ascribe to monopoly and extortion, occasioned a serious riot under the very eyes of Congress. Party spirit in Pennsylvania was still very violent. The constitutional party, in whose hands the administration was, were in favor of regulating trade by law, and of strong measures against engrossers. The leaders of the opposite party took the other side. A committee of the citizens of Philadelphia, after the example of Boston and other towns, had undertaken to regulate the prices of rum, salt, sugar, coffee, flour, and other leading articles, to which regulation Robert Morris, and some other leading merchants, refused to conform. Wilson, whose late defense of the accused Quakers was not forgotten, and who took an active part on this occasion, became peculiarly obnoxious. He was denounced as a defender of Tories, and it was proposed to banish him and others to New York. The threatened persons, with their friends, among whom were Clymer and Mifflin, assembled, armed, at Wilson's house. The mob approached, with drums beating, and dragging two pieces of cannon, and they opened a fire of musketry on the house; which the defenders returned. One of the garrison was killed, and two wounded, and the mob was just about to force the doors when President Oct. 4

CHAPTER XXXIX. Reed made his appearance, followed presently by a few horsemen of the city cavalry, who had mustered for the 1779. preservation of the peace. A man and a boy of the mob were killed, and many others severely wounded. The citizens turned out and patrolled the streets, but it was several days before order was restored. Prosecutions were commenced on both sides; but, disregarding the insinuation that it favored the mob, the Assembly terminated all proceedings by an act of oblivion.

To attempt any longer to deny or to disguise the depreciation was useless; a convention of the five Eastern
Oct. 20. states, held at Hartford, proposed a new regulation of prices on the basis of twenty for one; and they advised a convention at Philadelphia, at the commencement of the year, for the general adoption of this scheme. Congress
Nov. 19. approved this proposal, but urged the states to adopt the regulation at once, without waiting for a convention.

The expenditures of the quarter-master's and commissary's departments, swelled by the continued depreciation to an enormous nominal amount, began to raise a great clamor. The officers employed in those departments were paid by a commission on their expenditures, and Greene and Wadsworth, and their subordinates, were loudly accused of extravagance and mismanagement, and of growing rich at the public expense. Some of the subordinate officers were incapable; others were dishonest; but the heads of the departments could not justly be held responsible for the conduct of officers not appointed by themselves. Congress expressed full confidence in the integrity and abilities of Greene and Wadsworth; but Wadsworth insisted on resigning, and Ephraim Blane was chosen in his place. It was only with great reluctance that Greene consented to serve a little while longer. He complained, in a letter to Washington, of the irksome-

ness of an ungracious office, which opened no avenue to distinction, and which he had accepted only to relieve the commander-in-chief from being himself obliged to perform its duties. "Who ever heard," he asked, "of a quartermaster general in history?" Yet to feed and quarter an army is often far more difficult than to conduct its military movements, and in the American service, especially, required no small amount of executive talent. CHAPTER XXXIX
1779.

Before the end of the year the remainder of the two hundred millions of Continental bills was issued, and "the press was stopped." The depreciation now stood at thirty for one. Washington, who saw no other means for feeding his army, doubted the expediency of the stoppage; and, as we shall see in the next chapter, an attempt was soon made to revive the issue in a new form.

The sums called for from the states came in very slowly. As a means of meeting their immediate necessities, Congress adopted the delicate expedient of selling bills of exchange, at long dates, on Jay and Laurens, to be met by the produce of loans to be obtained in Spain and Holland. The frigate in which Jay sailed, dismasted in a storm, had put into Martinique for repairs, and Jay was still detained at that island. Laurens had not embarked at all. These bills were sold for paper at the rate of twenty-five for one, the purchaser being required to lend an additional amount equal to the purchase money. The total expenditures of the year reached the amount of one hundred and sixty millions of dollars. One hundred millions of this were new issues, the remainder the produce of loans, bills sold, and taxes; but the whole specie value did not exceed ten millions—a very decided falling off from the expenditures of the preceding years, indicative of the diminishing resources of Congress.

The only provision for the year ensuing, besides the

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unpaid balance of the sixty-five millions of paper already called for, was a further call for fifteen millions monthly, to commence with February. Georgia, being in possession of the enemy, was excused from this contribution.

1779.

Oct. 6.

The efforts at naval warfare on the part of the Americans were by this time a good deal diminished. Several of the Continental vessels had been captured or lost; others, for want of funds, remained on the stocks uncompleted. The vigilance of the British squadron had greatly diminished the number of privateers. Several armed vessels, however, public and private, still kept the seas; and a part of the money obtained in France was expended in fitting out cruisers in the French ports. Of all the American naval commanders, none became so distinguished as John Paul Jones, a Scotsman by birth, but, when the war began, a resident in America, and one of the first officers commissioned in the Continental navy. Appointed to command the *Ranger* of eighteen guns, he had made himself formidable in the British seas, and had even ventured at descents on the Scotch coast. He presently received the command of a mixed French and American squadron, fitted out in France, but under American colors, of which the heaviest vessel, a forty-two gun ship, was called the *Bon Homme Richard*. While cruising with this squadron, Jones encountered a fleet of merchant ships from the Baltic, convoyed by a heavy frigate and another vessel. One of the most desperate engage-

Sept. 24.

ments recorded in the annals of naval warfare ensued. In spite of the misbehavior of one of Jones's captains, both the British ships were taken; the larger one by boarding from the *Bon Homme Richard*, which was in a sinking condition at the time, and which went down the day following, in consequence of damages received in the action.

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FINANCES AND THE ARMY. SOUTH CAROLINA SUBDUED.
ARRIVAL OF A FRENCH AUXILIARY FORCE. TOTAL DE-
FEAT AND DISPERSION OF THE SOUTHERN ARMY.

CONGRESS commenced the new year with very anx- CHAPTER
XL.
ious deliberations on the all-important subject of finance. 1780.
Delegates had been appointed from several states to the Jan.
proposed Convention at Philadelphia; but the meeting
was postponed, to give time for the other states to make
similar appointments. Such, however, was the rapid de-
preciation of the paper, as speedily to destroy all hopes of
any regulation of prices. It soon reached forty for one.

The commissaries, greatly in debt, had neither money
nor credit, and starvation began to stare the soldiers in
the face. To support his army, Washington was again
obliged to resort to the harsh expedient of levying contri-
butions on the surrounding country. Each county was
called upon for a certain quantity of flour and meat; but,
as the civil authorities took the matter of supply in hand,
for which certificates were given by the commissaries, on
the appraisement of two magistrates, the use of force did
not become necessary.

In the present unstable state of the currency, the plan Feb. 25
was adopted of calling upon the states for "specific sup-
plies"—beef, pork, flour, corn, hay, tobacco, salt, rum,
and rice—to be credited at certain fixed prices to the
states by which they were furnished. The commissaries,
for immediate use, instead of money received draughts

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on the state treasuries for portions of their unpaid quotas
of the requisitions heretofore made.

1780. The states were advised to repeal all laws making the old bills a legal tender. Congress offered to receive gold and silver at the rate of forty for one in discharge of the unpaid state quotas. A plausible scheme was also adopted, which seemed to promise a moderate supply to the federal treasury ; and, at the same time, the drawing in and canceling of the outstanding bills of credit, the rapid depreciation of which kept the currency in a complete state of derangement, and operated as a great obstacle to all commercial transactions.

As the bills came in, in payment of the fifteen millions monthly already called for, they were to be canceled ; but, for every twenty dollars so canceled, one dollar was to be issued in "new tenor," bearing interest at five per cent., and redeemable in specie within six years ; these new bills to be guaranteed by the confederacy, but to be issued on the credit of the individual states in proportion to their payments of the old tenor ; each state to provide for redeeming its own issues at the rate of a sixth part yearly, and to receive to its own use six tenths of the new issue, the other four tenths to belong to Congress. This process, if fully carried out, would substitute for the outstanding two hundred millions of old bills ten millions in "new tenor," of which six would go to the states paying in the bills, and four to the federal treasury. While a better, and, it was hoped, a stable currency would thus be provided in place of the old tenor, the states would be furnished with means to purchase "the specifics" demanded by Congress. The federal treasury, also, would be moderately supplied, without the necessity of imposing new taxes.

The holders of commissary certificates for supplies fur-

nished to the army complained very loudly of being called upon to pay Continental taxes while those certificates were still undischarged. A new impulse was given to the depreciation of the paper by a resolve of Congress, that commissary certificates might be received at their nominal value in payment of all Continental taxes. This, in fact, was making so much addition to the already superfluous currency.

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1780.

May 26

The same severe winter that arrested the West Tennessee emigrants on their voyage up the Cumberland, froze the Hudson and the harbor of New York. Kniphausen was greatly alarmed for the safety of the city, thus deprived of all the advantages of its insular situation. The garrison and inhabitants, cut off from their usual supplies by water, experienced a great scarcity of fuel and fresh provisions. The whole population was put under arms. It was now that the "Board of Associated Loyalists" was formed, of which Franklin, late royal governor of New Jersey, released by exchange from his tedious confinement in Connecticut, was made president. Washington, however, was in no condition to undertake an attack, and the winter passed off with a few skirmishes.

Washington's entire force scarcely exceeded ten thousand men, a number not equal to the garrison of New York; and even of these a considerable part were militia draughts, whose terms of service were fast expiring. Congress had called upon the states to fill up their quotas by draughts or new enlistments, so as to constitute an army of thirty-five thousand men. Though only scantily and partially complied with, this requisition led to a new difficulty. Recruits could only be obtained by very large bounties, much to the chagrin of the old soldiers enlisted for the war, who saw the service of new comrades paid for at exorbitant rates, while they failed to receive, even

Feb. 6

CHAPTER in depreciated paper, the moderate stipend for which they
 XL had engaged.

1780. There existed, also, another source of complaint. Massachusetts and other states had recognized the depreciation of the currency by making a provision for their soldiers accordingly. This act of justice had not yet been imitated by Pennsylvania. The soldiers of that line and some others complained loudly of this inequality. Congress passed a resolution that, as soon as the state of the finances would allow, the deficiency of pay occasioned by depreciation should be made up to all the troops. But this resolution, however satisfactory in itself, afforded no immediate relief.

A new system was under consideration for the commissary's and quarter-master's departments, drawn up by Sherman, Mifflin, and Pickering, which Greene denounced, in his private letters, as impracticable, and as intended to embarrass the army—a denunciation which seems to have grown out of the mere fact that Mifflin was concerned in it. After a warm struggle in Congress, this scheme, and, indeed, the whole organization of the army, was referred to a committee, of which Schuyler was chairman, appointed to visit the camp, and, in conjunction with Washington, vested with very extensive powers. In a report sent to Congress shortly after their arrival in camp, this committee represented “that the army was five months unpaid; that it seldom had more than six days’ provisions in advance, and was on several occasions, for sundry successive days, without meat; that the army was destitute of forage; that the medical department had neither sugar, tea, chocolate, wine, nor spirits; and that every department was without money, or even the shadow of credit.”

While the prospect was thus gloomy at the north, the

war was proceeding at the south with results exceeding-
 ly disastrous to the states. The British expedition under
 Sir Henry Clinton, after a very stormy passage and the
 loss of several vessels, some by shipwreck and others by
 capture, had arrived at Savannah early in the year. As
 soon as the transports could be refitted, Clinton had pro-
 ceeded northward, and landed his troops on St. John's
 Island.

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Jan.

Feb. 11.

The ships of war sailed to blockade Charleston. The British army gradually advanced through the chain of islands along the coast. Several weeks were consumed in this operation, an interval busily employed by Du Portail, the chief engineer, who had joined Lincoln's army, in strengthening and completing the fortifications. Governor Rutledge was invested by the Legislature with dictatorial powers. Slaves were impressed to labor on the works. Efforts were made, though without much success, to assemble the neighboring militia. From that resource, however, little was to be hoped. South Carolina had represented to Congress her inability to operate with militia, "by reason of the great number of citizens necessary to remain at home to prevent insurrection among the negroes and their desertion to the enemy." It had been proposed to the Southern states to raise three thousand negro troops, the men to be paid for at the rate of \$1000 per head, and to be emancipated when discharged from service. But this plan, ardently advocated by the younger Laurens, was received at the South with great suspicion and dislike.

The inhabitants of Charleston were very zealous for defending the town, and with the re-enforcements known to be on the way Lincoln hoped to be able to hold it. Of the Virginia and North Carolina regiments, detached, as we have seen, from the main army for service in the

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Southern department, several soon arrived, and Lincoln's force was thus raised to upward of seven thousand men, including two thousand three hundred Continentals, one thousand North Carolina militia, and the militia of the city, amounting to near four thousand. All the aid sent in from the surrounding country did not amount to two hundred men.

For the defense of the harbor, Lincoln relied on four Continental and two French frigates, aided by several smaller vessels. But the English ships, in much superior force, crossed the bar without difficulty. With very trifling loss, they ran by Fort Moultrie, which had proved such an obstacle four years before. To prevent the enemy's ships from ascending Cooper's River, and so raking the American lines, several vessels of the squadron, now otherwise useless, were sunk across the channel. The communication with the country north of Cooper's River was kept open by two Continental regiments of horse, stationed at Monk's Corner, about thirty miles from Charleston. But these regiments were presently surprised, dispersed, and partly cut to pieces by Colonel Tarleton, the enterprising commander of the British cavalry. Upon the arrival of a re-enforcement from New York, the country north of Cooper's River was occupied by a British detachment. The investment of Charleston thus became complete. Threatened, at the same time, by the British ships and by a body of troops landed on the island, Fort Moultrie surrendered. The same day the fragments of the American horse were again surprised and dispersed by Tarleton.

As the means of defense failed one after another, it had been proposed to abandon the town; but that project was not considered feasible by Lincoln. Seeing no hopes of a successful defense, he offered to capitulate; but Clinton

refused the terms he demanded. The British pushed their operations with energy ; the third parallel was completed ; the American works were full of breaches ; the enemy were evidently preparing for an assault. A new negotiation resulted in the surrender of the garrison, the Continentals to march out with colors cased, and to lay down their arms as prisoners of war ; the militia to be dismissed on their parole to take no further part in the contest, and to be secure in their persons and property so long as that parole was not violated. Gadsden, the lieutenant governor, and five of the council, were included in this capitulation. Governor Rutledge, with the other three counselors, had left the city, at Lincoln's earnest request, before the investment was complete.

In possession of the capital of South Carolina, Clinton sent off three expeditions ; one northwardly, across the Santee, against Buford's regiment of the Virginia line, on its march for Charleston ; another toward Augusta ; and a third toward Camden and the upper district. A circular was issued, calling upon the loyally disposed to form a militia, and to help in re-establishing the royal government. A proclamation followed, threatening exemplary severity and confiscation of property as the penalty for appearing in arms against the royal authority. A second proclamation offered pardon to all who returned to their allegiance, except such as "under mock forms of justice had polluted themselves with the blood of their loyal fellow-subjects."

Informed of the expedition sent against him, Buford retreated rapidly up the northeast side of the Santee ; but Tarleton made a forced march of a hundred and five miles in fifty-four hours, and overtook him at Waxhaws, near the boundary of North Carolina. Attacked with impetuosity, the regiment was totally defeated. No quarter

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May 12.

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June 1.

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was given; a hundred and thirteen were killed on the spot, and out of two hundred prisoners, the greater part were badly wounded. Buford escaped with a few of his men, but the regiment was completely broken up. The British loss was only eighteen.

The two other British detachments, in their march through the state, nowhere found even the shadow of resistance. Every where they received the submission of the inhabitants, some of whom gave their parole, as the people of Charleston had done; while the rest, less scrupulous or less patriotic, took the oath of allegiance as British subjects. By a new proclamation, all paroles, except of those actually taken in arms, were discharged, and no choice was allowed but to take the oath of allegiance or to be treated as enemies.

The conquest of South Carolina thus completed, Sir Henry Clinton returned to New York, taking a part of the troops with him, but leaving Cornwallis with four thousand men to hold and to extend the recent conquests. The heat of the weather, and the difficulty of obtaining supplies, retarded the movements of Cornwallis. His troops were subsisted by seizures of corn and cattle from the hostile without any compensation, and from the loyal on certificates of the British commissaries.

The numerous Loyalists of North Carolina had been advised, by emissaries sent among them, to gather their crops and to keep quiet till the autumn, when the British army would march to their assistance. But, impatient of the severities to which they were exposed, they flew at once to arms. Of two considerable parties which assembled, one was attacked and dispersed by General Rutherford, at the head of a detachment of militia; the other, amounting to eight hundred men, succeeded in reaching the British posts.

Most of the southern Continental troops had been included in the capitulation of Charleston. There now remained in the whole southern department only a single Continental regiment, Porterfield's, of the Virginia line, which had stopped short at Salisbury, in North Carolina, on the news of Lincoln's surrender. Before hearing of the surrender of Charleston, Washington, with the consent of Congress, had already detached De Kalb, with the Delaware and Maryland regiments, for service at the South. Conveyed by water from the head of Elk to Petersburg, in Virginia, they marched thence for the Carolinas. All the Continental troops raised south of Pennsylvania were henceforth attached to the southern army, and all the money paid in by those states was specially appropriated to the support of that department.

Shortly after the departure of the Maryland and Delaware troops, news was received at Washington's camp April 22 that a French fleet and army might speedily be expected on the American coast. This news was brought by La Fayette, who had spent the winter in France, and by whose persevering efforts this aid had been obtained, and the promise, also, of a supply of arms and clothing. To put Washington in a condition to co-operate, the states were urgently called upon by Congress to pay up at once ten million paper dollars of their over-due quotas. Supplies, indeed, were urgently needed; there was almost a famine in the camp. Two Connecticut regiments broke out into open mutiny, threatening to march home or to help themselves. A circular to the states from the committee at camp, and another from Washington, pointed out the necessity of sending forward immediately their quotas of men and specific supplies.

In this emergency, Congress again resorted to the expedient of selling bills on Jay. As Laurens had not yet

CHAPTER sailed on his mission to Holland, John Adams, who was
 XL now again at Paris as commissioner to negotiate for peace,
 1780. was instructed to accept the bills drawn on Laurens; and,
 as a means of meeting these acceptances, he was further
 authorized to attempt the negotiation of a Dutch loan.

As a substitute for the declining paper money, Morris, Clymer, and others of Philadelphia, having subscribed a small fund by way of capital, and received a deposit of bills on Jay as support to their credit, and indemnity in case of loss, commenced the issue, as joint-stock bankers, of promissory notes, employed, without any profit to themselves, in the purchase of supplies for the army.

Those concerned in this bank belonged to the Republican party, as they called themselves. The Constitutional party, not to show less zeal, availed themselves of their majority in the Assembly to invest the Executive Council with authority to proclaim martial law, should such a step become necessary in order to meet the requisitions of Congress.

In the midst of these efforts to prepare for active operations, Knipphausen, commanding the British forces at
 June 6. New York, landed at Elizabethtown with the bulk of his army, and advanced into the country toward Springfield. Finding the American army in his front, he retired after burning a few houses. Clinton arrived soon after with his troops from Charleston, and, with a column of six thousand men, he also advanced on Springfield, which Greene was guarding with a detachment about fifteen hundred
 June 23. strong. After a sharp action, the enemy forced the bridge over the Rahway, a small river which covers the town. The Americans lost seventy-two men, killed and wounded, and the village of Springfield was burned. But Greene posted his troops on the heights in the rear so as to stop the enemy's further advance. Washington ap.

prehended other incursions of the same sort; but Clinton's main object was to secure a convenient spot for refreshing his troops, worn out by the winter's campaign 1780. in Carolina. With that purpose in view, he withdrew again the same day into Staten Island.

In accordance with La Fayette's announcement, seven July 10 ships of the line, besides frigates and transports, with a French army of six thousand men, the first division intended for the American service, presently arrived at Newport. Judicious measures had been taken to prevent disputes. Rochambeau, the commander of these troops, was directed to put himself under Washington's orders; and on all points of precedence and etiquette, the French officers were to give place to the Americans.

Washington had hoped, with the assistance of this French force, to attack New York. But his ranks were still very thin; and there was a great deficiency of arms, owing to the non-arrival of the promised supply from France. Six British ships of the line, which had followed the French fleet across the Atlantic, presently arrived at New York. Having now a naval superiority, instead of waiting to be attacked, the British proposed to attack the French at Newport, for which purpose Clinton embarked with six thousand men. The French threw up July 27 fortifications, and prepared for a vigorous defense; the militia of Connecticut and Massachusetts marched to their assistance; Washington crossed the Hudson with his army, and threatened New York. As Clinton and Arbuthnot, the admiral, could not agree upon a plan of operations, the British troops were disembarked. But the fleet proceeded to blockade the French ships, and the army was obliged to remain at Newport for their protection. News presently arrived that the French second division July 31 was detained at Brest, blockaded there by another Brit-

CHAPTER XL. ish squadron. Instead of being an assistance, the French auxiliaries threatened to be a burden; three thousand five hundred militia were kept under arms at Newport to assist in guarding the French ships. Thus a third time, as it seemed, almost by a sort of fatality, the attempt at French co-operation proved a failure.

After much discussion, Congress had finally agreed to a new arrangement of the quarter-master's department, the business of which was greatly increased by the duty imposed upon it of transporting to the camp the specific supplies. This new arrangement did not suit the views of Greene, who esteemed the number of assistants too small, their salaries too low, and the whole scheme inefficient. He threw up his office in a somewhat emphatic letter, which gave great offense to some members of Congress. It was even proposed to deprive him of his commission—a step against which Washington earnestly remonstrated in private letters to members of that body, representing the discontent it would occasion, the probability that the officers would make common cause with Greene, and the danger of rousing the irascibility of men unpaid, living on their own funds, many of them greatly distressed for money, anxious to resign, and only kept in the service by sentiments of patriotism, and unwillingness to abandon a cause in which they had already risked and suffered so much. The ungracious and difficult office of quarter-master, thus thrown up by Greene, was undertaken by Colonel Pickering.

August. The battalions of the Delaware and Maryland lines, detached under De Kalb for service at the south, after crossing the southern boundary of Virginia, made their way slowly through a poor country very thinly inhabited. No magazines had been laid up; the commissaries had neither money nor credit; the soldiers, scattered in small

parties, collected their own supplies by impressment—lean cattle from the cane-brakes, and Indian corn, the only grain which that region produced. CHAPTER
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1780.

Besides Porterfield's Virginia regiment at Salisbury, there were two corps of North Carolina militia in front, one under Rutherford, the other under Caswell, chiefly employed in keeping down the Tories. Governor Nash, chosen at the recent election as Caswell's successor, had been authorized by the Legislature to send eight thousand men to the relief of South Carolina; but to raise and equip them was not so easy. De Kalb's soldiers presently came to a full stop at the Deep River, an upper tributary of the Cape Fear. At this point they were overtaken by Gates, appointed by Congress to the command of the southern department. July

Gates pressed forward on the direct road to Camden, through a barren and generally a disaffected country. The troops were greatly weakened on the march by diseases brought on by the use of unripe peaches and green corn as substitutes for bread. Having crossed the Pee-dee, Gates formed a junction with Porterfield, who had marched down that river to meet him. He was also joined by Rutherford with his militia, and was presently overtaken by Armand's legion, detached for service in the southern department, and with which the remainder of Pulaski's corps was incorporated.

The news of Gates's approach, and of efforts made in North Carolina and Virginia to recruit the southern army, raised the hopes of the South Carolina patriots. Returning from North Carolina, where he had taken refuge, Sumter headed an insurrection in the district north and west of Camden. He made successful attacks on the British posts at Rocky Mount and Hanging Rock. Emerging from the swamps of the Lower Peedee, Mari-

Aug. 1
Aug. 6.

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 on, with a few ragged followers, began to annoy the British outposts. Lord Rawdon, known afterward in England and India as Earl of Moira and Marquis of Hastings, commanded the British advanced posts in the interior of South Carolina. Perceiving a change in the spirit of the people, he collected his forces at Camden.

Having passed the Pine Barren region, Gates formed a junction with Governor Caswell. He was presently joined by General Stevens, with a brigade of Virginia militia, and now reckoned his forces at six thousand men, a fourth of whom were Continentals. Some four hundred men were detached to the right to co-operate with Sumter, who had a considerable irregular force, and who was striving to gain the enemy's rear.

Cornwallis, who had hastened from Charleston for that purpose, now assumed the command of the British army. His whole effective force did not much exceed two thousand men; but he could not retreat without giving up the whole open country, besides abandoning his hospitals, in which were upward of eight hundred sick. Determined on a battle, he marched by night against Gates's camp at Rugeley's Mills. Unaware of this movement, Gates had put his forces in motion that very same night, intending to occupy another position nearer Camden. Marching thus in opposite directions, early the next morning the advanced parties of the two armies unexpectedly encountered each other in the woods. After some skirmishes the line was formed, and, with the dawn of day, the battle began.

The British rushed with charged bayonets upon Gates's center and left, composed almost entirely of militia, who threw away their arms and fled, almost without firing a gun. Gates and Caswell were fairly borne off the field by the fugitives, whom they found it impossible to rally.

since the further they fled the more they dispersed. De ^{CHAPTER} Kalb's Continentals, on the right, stood their ground with ^{XL} firmness; but they were presently taken in flank; their 1780. commander was mortally wounded; and they too were broken and obliged to fly. Closely pursued for twenty-eight miles, they were entirely dispersed. Every corps was scattered; men and officers, separated from each other, fled in small parties, or singly, through the woods. All the baggage and artillery fell into the hands of the enemy. The road for miles was strewed with the killed and wounded, overtaken and cut down by the British cavalry. The Americans lost some nine hundred killed, and as many more taken prisoners, of whom many were wounded. Arms, knapsacks, broken-down wagons, and dead horses scattered along the road, indicated the haste and terror of the flight. This total rout of the American army cost the British only three hundred and twenty-five men.

Three or four days after the action, some two hundred men, with Gates and a few other officers, collected at Charlotte, in North Carolina, up the Valley of the Wateree, eighty miles or more from the field of battle. Here they heard of a new disaster.

Just before the late action, re-enforced by the four hundred men from Gates's army, Sumter had intercepted and captured a convoy approaching Camden from the south, and had taken two hundred prisoners. Hearing of Gates's defeat, he retreated rapidly up the west bank of the Wateree, but was followed by the indefatigable Tarleton, who moved with such rapidity, that out of his force of three hundred and fifty horsemen, more than half broke down in the pursuit. Thinking himself entirely out of danger, Sumter had encamped at two in the afternoon. No Aug 18. proper watch was kept, and Tarleton entered the camp entirely by surprise. The captured stores were recov-

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 1780. ered; the British captives were released; one hundred and fifty Americans were killed, and three hundred made prisoners. Sumter himself escaped with difficulty; his corps was completely dispersed.

No organized American force was now left in either of the Carolinas. Should the British army advance, it would be impossible to make any stand at Charlotte, a little village in an open plain. Gates retired first to Salisbury, and then to Hillsborough, the seat of the North Carolina government, where he made all possible efforts toward the collection and organization of a new army. But the great number of Tories in North Carolina, many open and more secret, paralyzed, to a great degree, the energies of that state. To promote military subordination, and as a means of filling up the Continental quota, deserters from the militia were punished, under an act of Assembly, by being compelled to enlist in the regular battalions. But for these unwilling recruits there was neither clothing nor arms. The three most southern states had not a battalion in the field, nor were the next three much better provided. The Virginia line had been mostly captured at Charleston, or dispersed in subsequent engagements. The same was the case with the North Carolina regiments. The recent battle of Camden had reduced the Maryland line to a single regiment, the Delaware line to a single company. Out of the straggling soldiers, the survivors of that fatal field, and new recruits that came in from Virginia, Gates presently organized a force of about a thousand men. Great efforts were made by Maryland, where Thomas Sim Lee was now governor, to supply her deficient regiments. The militia were divided into classes, each class being required to furnish a soldier, either free or a slave. In the Maryland as well as other Continental lines, many negroes served with

credit, and were rewarded with their liberty in consequence. CHAPTER
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It was impossible for Cornwallis to follow up his victory by invading North Carolina till he had first received supplies and re-enforcements. Meanwhile, he took strong measures for restraining that spirit of insurrection so generally displayed on Gates's approach. Among the prisoners taken at Sumter's defeat were some who had formerly submitted, and taken British protections. Several of these were hung upon the spot, and all who should imitate their conduct were threatened with a like fate. An order was issued for sequestering the property of all who had left the province to join the king's enemies, and of all who held commissions under Congress, or who opposed the re-establishment of the royal authority. Gadsden, and forty other principal inhabitants of Charleston, accused of violating their parole by correspondence with the enemy, were seized and sent prisoners to St. Augustine. Measures of this sort, which they had employed without scruple against their Tory neighbors, seemed to the Whigs of South Carolina excessively cruel when exercised upon themselves.

But these severities did not suppress the spirit of revolt. Partisan corps again made their appearance. Marion, who had great talents for that sort of service, issued afresh from the swamps of the Peedee. Sumter presently collected a new force, with which he harassed the northwestern districts, and in which he was aided by volunteers from beyond the mountains. These officers, both formerly colonels in the Continental line, were commissioned by Rutledge as generals. But the utmost of which they were capable, without assistance from the North, was a mere guerilla warfare.

CHAPTER XLI.

GLOOMY STATE OF AMERICAN AFFAIRS. TREACHERY OF ARNOLD. REORGANIZATION OF THE ARMY. FINANCIAL EXPEDIENTS. NORTH CAROLINA INVADED. AFFAIRS OF GREAT BRITAIN. ARMED NEUTRALITY. MILITARY OPERATIONS IN EUROPE, ON THE OCEAN, AND IN THE EAST AND WEST INDIES. HOLLAND A PARTY TO THE WAR.

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A SCALE of depreciation had been adopted by Congress, beginning with March, 1778, at one and three 1780. quarters for one, and ending with March, 1789, at for- June 27. ty for one, according to which all loan-office and commissary certificates were to be liquidated. As the depreci- Sept. 5. ation still went on, orders were presently issued to receive on loan only the new paper, specie, or its equivalent.

Washington's army, though far short of the numbers called for, continued to be fed with the greatest difficulty. The system of specific supplies was found excessively cumbersome and uncertain. The federal treasury remained empty, and Congress called earnestly on the states to carry out the scheme for extinguishing the old bills of credit, which proved, by their continued depreciation, a great obstacle to all commercial and financial operations. Aug. 26. For immediate use, the states were required to pay in, before the end of the year, their respective quotas of three millions of dollars, in specie, or bills of the new tenor.

Washington contemplated the aspect of affairs with the greatest alarm. Doubtful if the army could be kept together for another campaign, he was exceedingly anxious to strike some decisive blow. He proposed to Rocham-

beau, commanding the French troops at Newport, an at- CHAPTER
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 tack upon New York, but that was not thought feasible
 without a superior naval force. Letters were sent to the 1780.
 French admiral in the West Indies entreating assistance;
 and Washington presently proceeded to Hartford, there Sept. 19
 to meet Rochambeau, to devise some definite plan of
 operations.

During Washington's absence at Hartford, a plot came to light for betraying the important fortress of West Point and the other posts of the Highlands into the hands of the enemy, the traitor being no other than Arnold, the most brilliant officer and one of the most honored in the American army. The qualities of a brilliant soldier are unfortunately often quite distinct from those of a virtuous man and a good citizen. Arnold's arrogant, overbearing, reckless spirit, his disregard of the rights of others, and his doubtful integrity, had made him many enemies; but his desperate valor at Behm's Heights, covering up all his blemishes, had restored him to the rank in the army which he coveted. Placed in command at Philadelphia, his disposition to favor the disaffected of that city had involved him, as has been mentioned already, in disputes with Governor Reed and the Pennsylvania council.

Arnold's vanity and love of display overwhelmed him with debts. He had taken the best house in the city—that formerly occupied by Governor Penn. He lived in a style of extravagance far beyond his means, and he endeavored to sustain it by entering into privateering and mercantile speculations, most of which proved unsuccessful. He was even accused of perverting his military authority to purposes of private gain. The complaints on this point, made to Congress by the authorities of Pennsylvania, had been at first unheeded; but, being presently brought forward in a solemn manner, and with some appearance of

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offended dignity on the part of the Pennsylvania council, an interview took place between a committee of that body and a committee of Congress, which had resulted in Arnold's trial by a court martial. Though acquitted of the more serious charges, on two points he had been found guilty, and had been sentenced to be reprimanded by the commander-in-chief.

Arnold claimed against the United States a large balance, growing out of the unsettled accounts of his Canada expedition. This claim was greatly cut down by the treasury officers, and when Arnold appealed to Congress, a committee reported that more had been allowed than was actually due.

Mortified and soured, and complaining of public ingratitude, Arnold attempted, but without success, to get a loan from the French minister. Some months before, he had opened a correspondence with Sir Henry Clinton under a feigned name, carried on through Major Andre, adjutant general of the British army. Having at length made himself known to his correspondents, to give importance to his treachery, he solicited and obtained from

Aug. 3. Washington, who had every confidence in him, the command in the Highlands, with the very view of betraying that important position into the hands of the enemy.

To arrange the terms of the bargain, an interview was necessary with some confidential British agent; and Andre, though not without reluctance, finally volunteered for that purpose. Several previous attempts having failed, the British sloop-of-war *Vulture*, with Andre on board,

Sept. 15. ascended the Hudson as far as the mouth of Croton River, some miles below King's Ferry. Information being sent to Arnold under a flag, the evening after Washing-

Sept. 21. ton left West Point for Hartford he dispatched a boat to the *Vulture*, which took Andre on shore, for an interview

on the west side of the river, just below the American lines. Morning appeared before the arrangements for the betrayal of the fortress could be definitely completed, and Andre was reluctantly persuaded to come within the American lines, and to remain till the next night at the house of one Smith, a dupe or tool of Arnold's, the same who had been employed to bring Andre from the ship. For some reason not very clearly explained, Smith declined to convey Andre back to the Vulture, which had attracted the attention of the American gunners, and, in consequence of a piece of artillery brought to bear upon her, had changed her position, though she had afterward returned to her former anchorage.

Driven thus to the necessity of returning by land, Andre laid aside his uniform, assumed a citizen's dress, and, with a pass from Arnold in the name of John Anderson, a name which Andre had often used in their previous correspondence, he set off toward sunset on horseback, with Smith for a guide. They crossed King's Ferry, passed all the American guards in safety, and spent the night near Crom Pond, with an acquaintance of Smith's. The next morning, having passed Pine's Bridge, across Croton River, Smith left Andre to pursue his way alone. The road led through a district extending some thirty miles above the island of New York, not included in the lines of either army, and thence known as the "Neutral Ground," a populous and fertile region, but very much infested by bands of plunderers called "Cow Boys" and "Skinners." The "Cow Boys" lived within the British lines, and stole or bought cattle for the supply of the British army. The rendezvous of the "Skinners" was within the American lines. They professed to be great patriots, making it their ostensible business to plunder those who refused to take the oath of allegiance

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CHAPTER to the State of New York. But they were ready, in fact,
XL. to rob any body; and the cattle thus obtained were often
1780. sold to the Cow Boys in exchange for dry goods brought
from New York. By a state law, all cattle driven to-
ward the city were lawful plunder when beyond a cer-
tain line; and a general authority was given to any body
to arrest suspicious travelers.

The road to Tarrytown, on which Andre was travel-
ing, was watched that morning by a small party, on the
look-out for cattle or travelers; and just as Andre ap-
proached the village, while passing a small brook, a man
sprang from among the bushes and seized the bridle of
his horse. He was immediately joined by two others;
and Andre, in the confusion of the moment, deceived by
the answers of his captors, who professed to belong to the
“Lower” or British party, instead of producing his pass,
avowed himself a British officer, on business of the high-
est importance. Discovering his mistake, he offered his
watch, his purse, any thing they might name, if they
would suffer him to proceed. His offers were rejected;
he was searched, suspicious papers were found in his
stockings, and he was carried before Colonel Jameson, the
commanding officer on the lines.

Jameson recognized in the papers, which contained a
full description of West Point and a return of the forces,
the hand-writing of Arnold; but, unable to realize that
his commanding officer was a traitor, while he forwarded
the papers by express to Washington at Hartford, he di-
rected the prisoner to be sent to Arnold, with a letter men-
tioning his assumed name, his pass, the circumstances of
his arrest, and that papers of “a very suspicious charac-
ter” had been found on his person. Major Talmadge,
the second in command, had been absent while this was
doing. Informed of it on his return, with much diffi-

culty he procured the recall of the prisoner; but Jameson CHAPTER
XII persisted in sending forward the letter to Arnold. Wash-
 ington, then on his return from Hartford, missed the ex- 1780.
 press with the documents; his aids-de-camp, who pre-
 ceded him, were breakfasting at Arnold's house when Sept. 24
 Jameson's letter arrived. Pretending an immediate call
 to visit one of the forts on the opposite side of the river,
 Arnold rose from table, called his wife up stairs, left her
 in a fainting fit, mounted a horse which stood saddled
 at the door, rode to the river side, threw himself into his
 barge, passed the forts waving a handkerchief by way
 of flag, and ordered his boatmen to row for the Vulture.
 Safe on board, he wrote a letter to Washington, asking
 protection for his wife, whom he declared ignorant and
 innocent of what he had done.

Informed of Arnold's safety, and perceiving that no
 hope of escape existed, Andre, in a letter to Washing-
 ton, avowed his name and true character. A board of
 officers was constituted to consider his case, of which Sept 24
 Greene was president, and La Fayette and Steuben were
 members. Though cautioned to say nothing to crimi-
 nate himself, Andre frankly told the whole story, declar-
 ing, however, that he had been induced to enter the Amer-
 ican lines contrary to his intention and by the misrep-
 resentations of Arnold. Upon his own statements, without
 examining a single witness, the board pronounced him a
 spy, and, as such, doomed him to speedy death.

Clinton, who loved Andre, made every effort to save
 him. As a last resource, Arnold wrote to Washington,
 stating his view of the matter, threatening retaliation,
 and referring particularly to the case of Gadsden and
 the other South Carolina prisoners at St. Augustine.
 The manly and open behavior of Andre, and his highly
 amiable private character, created no little sympathy in

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his behalf; but martial policy was thought to demand his execution. He was even denied his last request to be shot instead of being hanged. Though in strict accordance with the laws of war, Andre's execution was denounced in England as inexorable and cruel. It certainly tended to aggravate feelings already sufficiently bitter on both sides.

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The committee at camp, of which Schuyler was chairman, had matured at length, in conjunction with Washington, a plan for a new organization of the army, to which Congress gave its assent. The remains of the sixteen additional battalions were to be disbanded, and the men to be distributed to the state lines. The organization was also changed. The army was to consist of fifty regiments of foot, including Hazen's, four regiments of artillery, and one of artificers, with the two partisan corps under Armand and Lee, and four other legionary corps, two thirds horse and one third foot. All new enlistments were to be for the war. Massachusetts and Virginia were to furnish eleven regiments each, Pennsylvania nine, Connecticut six, Maryland five, North Carolina four, New York three, New Hampshire, New Jersey, and South Carolina two each, Rhode Island, Delaware, and Georgia each one. Hazen's regiment, and the corps of Armand and Lee, were to be recruited at large. If full, this army would have amounted to thirty-six thousand men; but never half that number were in the field.

The officers thrown out by this new arrangement were to be entitled to half pay for life, now promised also to all officers who should serve till the end of the war. Washington's earnest and repeated representations had extorted this promise from Congress, in spite of the opposition of Samuel Adams, and of a party which he head-

ed, very jealous of military power, and of every thing which tended to give a permanent character to the army. CHAPTER
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Robert H. Harrison, who had filled so long the confidential post of secretary to the commander-in-chief, having accepted the office of chief justice of Maryland, was succeeded by Jonathan Trumbull, son of the governor of Connecticut, and late paymaster of the northern department. The office of adjutant general, resigned by Scammell, was given to Hand. Smallwood succeeded to the command of De Kalb's division; Morgan, lately sent to the southern department, was made a brigadier.

To provide means for supporting the army, the states were called upon for their respective quotas of six millions of dollars in quarterly payments, to commence the following May, and to be met partly in "specifics," and the residue in gold or silver, or paper of the new emission.

Gates's laurels, acquired in the campaign against Burgoyne, had been quite blasted by the disastrous rout at Camden. Having ordered an inquiry into his conduct, Oct. 8. Congress requested Washington to name his successor. Thus called upon, he selected Greene. Lee's corps of horse and some companies of artillery were ordered to the south; Steuben was sent on the same service, and Kosciousko, as engineer, to supply the place of Du Portail, taken prisoner at the surrender of Charleston.

Cornwallis, meanwhile, having completed his arrangements, had commenced his march into North Carolina. The main army, under his own command, was to advance by Charlotte, Salisbury, and Hillsborough, through the counties in which the Whigs were the strongest. Tarleton was to move up the west bank of the Catawba with the cavalry and light troops; while Fergusson, with a body of Loyalist militia, which he had volunteered to em-

CHAPTER body and organize, was to take a still more westerly route
XII along the eastern foot of the mountains.

1780. The British army had not been long on its march when a numerous but irregular body of insurgents from the upper country of South Carolina appeared before Augusta. Colonel Brown, who commanded there, intrenched himself on a neighboring hill; and on the approach of a British force from Ninety-six, a post intermediate between Camden and Augusta, but more northerly than either, the assailants made all haste to retreat. Word was sent to Ferguson, in hopes that he might be able to intercept them. With that view, he pressed close upon the mountains, when he suddenly encountered an unexpected enemy. A strong force of mounted backwoodsmen, armed with rifles, their provisions at their backs, led by Shelby and Sevier, afterward first governors of Kentucky and Tennessee, issuing from the valleys of Clinch and Houlston, and joined by some partisan corps in the region east of the mountains, directed their march against Ferguson. Informed of his danger, he retreated with precipitation, but was pursued by a thousand men with the best horses and rifles, selected from a body of twice that number. In thirty-six hours they dismounted but
Oct. 9. once. Finding escape impossible, Ferguson chose a strong position at King's Mountain, a few miles west of the Catawba, where he drew up his men and waited the attack. The assailants were repeatedly driven back by the bayonet, but they returned as often, pouring in a murderous fire from their rifles, by which one hundred and fifty of the Tories were killed, and a greater number wounded. So long as they had Ferguson to encourage them, they stood their ground, but when he fell, eight hundred men, the survivors of the fight, threw down their arms and surrendered. Ten of the most active and ob-

noxious of these prisoners were selected and hung upon the spot—an outrage which did not fail of severe and speedy retaliation. The backwoodsmen soon dispersed and returned home; but the spirits of the Southern people, depressed as they had been by a long series of disasters and defeats, were not a little raised by this their first considerable victory.

Cornwallis had already reached Salisbury, a district which he found very hostile, and where he was living at free quarters. Having relied a good deal on the support of Ferguson, on hearing of his defeat he commenced a retrograde movement as far as Winnsborough, in South Carolina, about half way from Camden to Ninety-Six.

Soon after news of the battle of Camden, General Leslie had sailed from New York with three thousand men to re-enforce Cornwallis. He had entered the Chesapeake, had ascended the Elizabeth River, and had fortified himself at Portsmouth, a convenient station whence to co-operate against North Carolina. But upon hearing of the defeat of Ferguson and of the retreat of the British army, he embarked his troops and proceeded to Charleston, thence to march to join Cornwallis.

Encouraged also by that retreat, Marion, reissuing from his swamps, again menaced the communication with Charleston; but Tarleton drove him back to his coverts. Sumter, also reappearing in the northwest, repulsed a detachment under Major Wemyss, and, having joined with some other partisan corps, threatened to attack Ninety-Six. Tarleton was sent to cut him off; but Sumter, informed of his danger by a deserter, commenced a rapid retreat. As he could not escape, he chose an advantageous position at Blackstock Hill. The British van coming up, Tarleton made a precipitate attack, but was repulsed with loss. Sumter, however, was severely wounded; and,

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CHAPTER after conveying their commander to a place of safety, his
XII. men disbanded and dispersed.

- 1760** . Considerable efforts, meanwhile, had been making to reorganize the southern army. To supply the place of their captured regiments, the Assembly of Virginia voted three thousand men, apportioned among the counties. A tax was laid of two per cent. on all property, to raise means for paying bounties. Besides \$12,000 in the depreciated paper, worth two or three hundred in specie, promised at once to all voluntary recruits, they were to receive at the end of the war three hundred acres of land, and a "healthy, sound negro," or \$200 in gold or silver. To make up the deficit of voluntary enlistments; men to serve for eighteen months were to be drafted from the militia. Supplies of clothing, provisions, and wagons were also levied on the counties. The seizure of provisions was authorized at certain stipulated prices; and to supply the empty treasury, ten millions of pounds in state bills of credit were issued, redeemable at the rate of forty for one, equivalent to \$850,000. The North Carolina Legislature, at their recent session, had constituted a Board of War, and were exerting the feeble resources at their command to re-establish their Continental regiments. Drafts and recruits, and one or two entire battalions, came forward; and, as Cornwallis retired, Gates advanced, first to Salisbury, and then to Charlotte.
- De: 2.** It was at Charlotte that Greene joined the army and assumed the command. He found the troops without pay, and their clothing in tatters. There was hardly a dollar in the military chest. Subsistence was obtained entirely by impressment. Greene entered at once on active operations. Morgan, with the Maryland regiment and Washington's dragoons of Lee's corps, was sent across the Broad River to operate on the British left and rear.

while the main body encamped on the Peedee to cover the fertile district to the northward, and to threaten the British communication with Charleston. CHAPTER
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Not, however, by the armies alone were hostilities carried on. All the scattered settlements bristled in hostile array. Whigs and Tories pursued each other with little less than savage fury. Small parties, every where under arms, some on one side, some on the other, with very little reference to greater operations, were desperately bent on plunder and blood.

The Legislature of North Carolina passed a law to put a stop to the robbery of poor people under pretense that they were Tories—a practice carried even to the plunder of their clothes and household furniture. They imposed penalties, also, on the still more outrageous practice of expeditions into South Carolina for indiscriminate robbery, the spoils being brought into North Carolina for sale. The first offense was to be punished with thirty-nine lashes on the bare back, the second with death.

In spite of Sullivan's expedition the year before, the frontier of New York continued to be harassed by Indians and Tories. Sir John Johnson ascended Lake Champlain October with a force of eight hundred men, took Fort George and Fort Anne, held at that time by very small garrisons, and sent forward plundering parties as far as Saratoga. Another body of Indians and Tories, advancing from Niagara, expelled the Oneidas, the friends of the Americans, and compelled them to seek refuge and food in the neighborhood of Albany. Fort Schuyler was repeatedly threatened; the fertile district of Schoharie was ravaged, and a large quantity of wheat destroyed, sorely needed by Washington's starving army.

Colonel Brown, with a party from Berkshire, marching up the Mohawk to relieve the New York frontier,

CHAPTER was seduced into an ambush, and slain with forty-five of
XII his men ; but the same Indian and Tory party was de-
 1780. feated the same day, at Fox Mills, by General Van Rens-
 Oct. 19. selaer. To protect this frontier, the New York line was
 stationed for the winter at Albany. Washington's head-
 quarters were established at New Windsor, above West
 Point. The Eastern troops were huttet in the High-
 lands, the New Jersey regiments at Pompton, and the
 Pennsylvania line near Morristown.

The French army, which still remained at Newport,
 by paying for all their supplies in hard money, proved a
 great comfort to the farmers of New England, and help-
 ed to restore the exhausted currency of specie. Specie
 was also derived from New York by means of an active
 trade with the adjacent country, which it was vainly at-
 tempted to suppress. Hard money and ready payment
 proved a temptation too strong to be resisted. Whigs
 and Tories alike yielded to it.

The bills of exchange, the sale of which had been re-
 sorted to by Congress as a means of raising money, prov-
 ed a very serious embarrassment to the ministers abroad.
 April. Jay, on arriving at Madrid, found Cumberland, the dram-
 atist, already there, sent from England to counteract his
 negotiations, and to arrange a separate peace with Spain.
 The Spanish court declined to advance money to take up
 the bills drawn on Jay except on a relinquishment by the
 United States of all pretensions to navigate the Missis-
 sippi, and to the country on the lower banks of that river.
 Jay was not authorized to make any such concession, and
 it was only with the greatest difficulty that he obtained
 a loan of \$150,000, payable in three years. This was
 by no means enough to cover his acceptances, and Frank-
 lin was obliged to take up the balance, as well as the
 bills drawn on himself and Laurens, out of a loan of four

million livres (\$740,740), granted by the French court CHAPTER
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—a fund very insufficient, however, to meet the numer-
ous demands upon it. 1780.

Exclusive of these sums obtained abroad, the debts contracted by arrears of army pay and commissary certificates at home, and such specific supplies as had been received, the expenditures from the federal treasury for the year 1780 amounted to \$83,000,000 in old tenor, and \$900,000 in new, the whole valued in specie at about \$3,000,000, a great falling off from the expenditures even of the last year, and an indication of the rapidly declining resources of Congress.

So far, indeed, as related to America, Great Britain had good reason to be satisfied with the late campaign. Georgia was entirely subdued, and the royal government re-established. The possession of Charleston, Augusta, Ninety-six, and Camden, supported by an army in the field, secured entire control over all the wealthy and populous parts of South Carolina. North Carolina was full of Tories, anxiously awaiting the approach of Cornwallis. The three Southern states were incapable of helping themselves, and those further north, exhausted and penniless, were little able to send assistance. It seemed as if the promises so often made by Lord George Germaine's American correspondents were now about to be fulfilled, and the rebel colonies to sink beneath the accumulated pressure of this long-protracted struggle.

Yet the pressure of the war was not felt in America alone. The rebellion, begun in Massachusetts, threatened, in its consequences, to involve Great Britain in a struggle with the whole maritime world. The British had claimed, and in the last war had rigorously exercised, the belligerent right of placing great restrictions on the trade of neutral nations. This same policy, known as

CHAPTER "the Rule of 1756," had been adopted in the present
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war, greatly to the annoyance of the Baltic states, pre-
 1780. vented under it from sending to France and Spain their
 timber and naval stores, for which the pending naval hos-
 tilities created a great demand. To resist interference
 with their traffic, Russia, Denmark, and Sweden, early
 in the year, had formed a combination, called the "Armed
 Neutrality," proclaiming, as the principle of their associ-
 ation, that "free ships make free goods;" in other words,
 that neutrals might carry what goods they pleased, with-
 out liability to search or seizure. However little they
 might relish this declaration, the British ministry were
 cautious how they added the Baltic fleets to a naval com-
 bination against them, already sufficiently formidable.

British commerce was suffering severely. A convoy,
 July. bound to Quebec, fell into the hands of American priva-
 teers; another, more valuable, composed of East and
 Aug. West India ships, was captured by the Spanish fleet, and
 carried into Cadiz.

The combined French and Spanish fleets in the West
 Indies far outnumbered the British ships, and, but for a
 deadly sickness among the crews, would have undertaken
 some capital enterprise. It was this sickness which had
 prevented any response to the urgent request of Wash-
 ington and Rochambeau for naval co-operation. De Gui-
 ehen, the French admiral, in consequence of it, proceeded
 directly to France in convoy of the French merchantmen,
 instead of stopping, as had been asked and hoped by Wash-
 ington and Rochambeau, to give a French naval superi-
 ority on the North American coast.

What the rage of war spared, the fury of the elements
 01. threatened to devour. The West Indies were visited by
 a series of hurricanes unparalleled in violence. The Brit-
 ish islands were great sufferers, and many ships of war

were lost; but the main British fleet, under Rodney, escaped, having sailed for New York, to be ready for the expected approach of De Guichen. The Spanish fleet, which alone remained in the West Indies, though out of the severest range of the hurricane, was very seriously damaged.

The Spaniards pressed the siege of Gibraltar with characteristic perseverance and unaccustomed energy. The war had spread also to the East Indies, where a contest had been going on for two or three years between the English East India Company and the Mahrattas, to which the instigations of the French had recently added a war with Hyder Ali. Descending from his mountain plateau of Mysore, that formidable chief spread desolation through the dependencies of Madras, and reduced that British province almost to the brink of ruin. With one auxiliary army in the United States acting under Washington, France sent another to India to co-operate with Hyder Ali; and it required all the genius and unscrupulous promptitude of Warren Hastings to save the British Indian empire from destruction.

To oppose the combined fleets of France and Spain, Great Britain was obliged to keep afloat an immense naval force. To guard against the danger of invasion from France, eighty thousand volunteers had been enrolled in Ireland. This proved, however, but a dangerous resource. The Irish volunteers, with arms in their hands, raised a loud outcry against the commercial and political subordination in which Ireland was held. The American scheme of non-importation and non-consumption agreements began to be imitated, and steps were taken toward vindicating the independence of the Irish Parliament—a blow at British power hardly second to the Revolution in America.

In Great Britain itself, an agitation had commenced

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CHAPTER in favor of parliamentary reform. The repeal of some
XII of the harsher persecuting statutes against the Catholics,

1780. in which the ministry took the lead, proved very unsatisfactory to the ultra-Protestant bigotry of England and Scotland, and gave occasion to a series of riots in London, during which that city remained for several days in the hands of a furious mob. But this outburst of fanaticism, by the reaction it produced, tended to strengthen the hands of the ministry; and, in the new Parliament lately elected, Lord North obtained a decisive majority.

Holland, under the house of Orange, had been long an ally, almost a dependency of Great Britain; but the Republican party, always advocates for an alliance with France, had lately gained the ascendancy. Under the lead of Van Berkel, grand pensionary of Amsterdam, they were strongly inclined to join the Armed Neutrality, the commercial doctrines of which the Dutch had a great interest in sustaining. The idea was also entertained of entering into a commercial treaty with the United States.

Sept. Laurens, at length, had embarked for Holland; but was captured on his passage by a British frigate, and being carried to England, was committed to the Tower on a charge of high treason. His papers, thrown overboard at the time of his capture, but recovered by a British sailor who sprung in after them, betrayed a private correspondence carried on with the Amsterdam magistrates. The States-General were called upon in a very imperious tone to disavow this correspondence, and to punish those concerned in it. Disgusted with the coolness with which the States-General promised to take the matter into consideration, the British minister retorted by a declaration of war. The Dutch fleet was still formidable; but the impulse of passion was seconded by the prospect of plunder held out by the Dutch commerce and colonies.

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Before this declaration of war was generally known in the West Indies, Rodney's fleet, just returned from New York, surrounded the Dutch island of Eustatius, which, by its neutral character, its possession of a good harbor, and its privilege of a free port, had become a sort of entrepôt for supplying America with British goods. An immense quantity of merchandise was collected there, a considerable part of which belonged to British merchants and American refugees. Besides two hundred and fifty ships, many of them loaded, the whole merchandise on the island, estimated as worth fifteen millions of dollars, was seized as lawful prize. A fleet of thirty Dutch ships, which had sailed a few days before, was pursued and taken. All this immense plunder was sold at a military auction, to which buyers of all nations—even those at war with Great Britain—were invited, under promise of safe-conduct. The inhabitants, including many British subjects, besides being robbed, were treated with great harshness, and shipped off the island. The islands of Saba and St. Martin's, and the Dutch colony of Demerara and Essequibo, also submitted to the British. The appetite for plunder, so characteristic at all times of the British army and navy, and so outrageously displayed at Eustatius, raised a great outcry against these military robbers, and brought down upon them the deserved odium of all Europe—an outcry in which many British merchants joined. The plunder of Eustatius presently became the subject of bitter discussion in the British House of Commons. Rodney, who appeared there, being himself a member, excused it on the ground that all the residents of that island were engaged directly or indirectly in traffic with the enemy, and that British subjects so engaged were among the fittest objects for military plunder.

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REVOLT OF THE PENNSYLVANIA AND NEW JERSEY LINES
 VIRGINIA INVADED. GREENE'S CAMPAIGN IN THE CAROLINAS.
 WEST FLORIDA IN THE HANDS OF THE SPANIARDS.

CHAPTER XLII. **ARNOLD**, rewarded for his treachery by a gratuity of \$50,000 and a commission as brigadier general in the 1780. British army, had published, shortly after his flight, an "Address to the Inhabitants of America," in which he attempted to gloss over his treason by abusing Congress and the French alliance. He also put forth a "Proclamation to the Officers and Soldiers of the Continental Army," contrasting the beggary and wretchedness of their condition with the prompt pay and abundant supplies of the British service. To invite them to desert, he offered three guineas, \$15, to every private soldier, and to the officers commissions in the British army according to their rank and the number of men they might bring with them. This effort on the part of one, himself a traitor, to corrupt the American soldiers, was received with contempt, and produced no result. Other causes, however, occasioned a most alarming revolt.

A warm dispute had sprung up in the Pennsylvania regiments, huddled near Morristown, as to the terms on which the men had enlisted. The officers maintained, and such seems to have been the fact, that the soldiers, at least the greater part of them, had enlisted for three years *and* the war. The soldiers, disgusted by want of pay and clothing, and seeing the large bounties paid to

those who re-enlisted, alleged, on the other hand, an enlistment for three years or the war; and, as the three years had now expired, they demanded their discharges. This demand being refused, the whole line, to the number of thirteen hundred men, broke out into open revolt. They killed an officer who attempted to restrain them, wounded several others, and, under the leadership of a board of sergeants, marched off toward Princeton, with the avowed intention of procuring redress at the point of the bayonet. Wayne, who commanded at Morristown, sent provisions after the troops to keep them from plundering. He followed himself, with one or two other officers; and, though his authority was no longer regarded, being a favorite among the soldiers, he was suffered to remain in their camp. Wayne proposed to the sergeants to send a deputation to Congress and the Pennsylvania Assembly, which proposition they seemed inclined to adopt, but the soldiers would not listen to it, and the next day continued their march.

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The crisis was truly alarming. The temper of the other troops, unclothed and unpaid, was very uncertain. The position of the revolvers at Princeton would enable them to throw themselves at any moment under British protection. Already some British agents had been sent to tamper with them; these they had arrested; but who could tell how long this would last?

Under these circumstances, pride bent to necessity, and a committee of Congress, and another of the Pennsylvania Council, after conferring together, proceeded to meet the revolvers. The Congressional committee stopped at Trenton; President Reed proceeded to Princeton. As terms of accommodation, he offered, and the revolvers accepted, an immediate supply of clothing; certificates for the arrearages of their pay; the promise of a speedy set-

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CHAPTER XLII tlement of all arrears; and the discharge of all who had enlisted for three years or the war. On this latter point

1781. it was judged best not to be very particular; the oaths of the soldiers were taken as to the terms of their enlistment, and almost the whole line was discharged. The British emissaries, being given up by the soldiers, were

Jan. 11. hung as spies.

Very much alarmed at this outbreak, Washington had
Jan. 7 written urgent letters to the governors of the New England states, setting forth the dangerous necessities of the army, and calling loudly for money. These letters were sent by Knox, who was instructed to press the matter in person. Congress also addressed a letter to the seven Northern states, calling for \$900,000 in specie, or its equivalent, for the immediate payment of their respective lines. Half this sum, equivalent to three months' pay, was presently forwarded. Massachusetts and New Hampshire sent besides, to each of their soldiers engaged for the war, a gratuity of twenty-four specie dollars.

Such, however, was the difficulty of raising money in the States, that a foreign loan to a large amount seemed the only hope of saving the army from speedy dissolution. A faction in Congress, especially the friends of Arthur Lee, thought Franklin too inefficient, and the younger Laurens, one of Washington's aids-de-camp, was dispatched to France, with Thomas Paine as secretary, to represent the pressing wants of the army.

The success of the Pennsylvania troops in obtaining their discharge induced a part of the Jersey line to imitate their example. The New Jersey Legislature had
Jan 20 already appointed a committee to inquire into the grievances of the soldiers, and that committee offered to proceed in the inquiry as soon as the revolted returned to their duty. Some did so; but the larger number still

stood out, claiming to be discharged, as the Pennsylvanians had been, on their own oaths. Washington was ^{CHAPTER XLII} satisfied, by this time, that he could rely on the fidelity of the Eastern troops; and he sent from West Point a detachment under Howe, which compelled the revolvers to absolute submission. Their camp was surrounded, they were obliged to parade without arms, and the officers were called upon to name three of the most guilty, who were tried by drum-head court-martial, and sentenced to death. From some mitigating circumstances one was reprieved; the other two were shot on the field, the executioners being drafted from among their companions, who, then divided into platoons, were made to apologize to their officers, and to promise submission for the future.

The sympathies of Washington, so warm for the officers, did not extend in the same degree to the men of the army. On a former occasion he had checked the officers of the New Jersey line for mingling up their grievances with those of the men. Common soldiers, he thought, could not reasonably expect any thing more than food and clothing. That was all they received in other armies; their pay, by reason of the numerous deductions to which it was subject, being little more than nominal. Washington regarded as an expensive anomaly the plan adopted in New England and some other states, of providing for the families of the soldiers.

Shortly after Leslie's departure from the Chesapeake, as mentioned in the preceding chapter, to proceed by water to Charleston to join Cornwallis, sixteen hundred British troops under Arnold, principally of the Loyalist corps, were sent from New York to reoccupy Portsmouth. Anxious to signalize himself by some remarkable exploit, Arnold, with about nine hundred men, proceeded up James River. Governor Jefferson called out Jan. 4

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the militia; but the attack was so sudden, the white population was so small, the plantations were so scattering, and the planters were so much occupied in looking after their slaves, that hardly two hundred men could be collected for the defense of Richmond, a village of eighteen hundred inhabitants, of whom half were blacks. Arnold entered the town without resistance. Many public and some private buildings were burned, and with them a great many valuable stores. Others had been removed by the activity of Jefferson. A large quantity of tobacco and other private property was destroyed by the invaders. Jefferson promptly rejected a proposal that Richmond should be spared if ships might be sent to take away the tobacco.

Steuben was in Virginia collecting and organizing recruits for Greene's army. Some had been forwarded, but several hundred remained behind, waiting for clothing and arms, which it was very difficult to supply. A body of militia presently rallied around Steuben. Nelson collected another corps. A French sixty-four and two frigates from Newport, taking advantage of a storm, which had disabled the blockading squadron, entered the Chesapeake. Thus threatened by land and water, Arnold found it necessary to retire to Portsmouth, too high up to be reached by the French ships, which, after making some prizes, presently returned to Newport.

Not strong enough for offensive operations, Steuben was content to watch Arnold. To assist in his capture, Washington detached La Fayette with twelve hundred men, drawn from the New England and New Jersey lines; and to co-operate in this movement, at Washington's earnest request, the whole French fleet presently sailed from Newport with a body of French troops on board.

The British blockading squadron, which had made its

winter station in Gardiner's Bay, at the east end of Long Island, pursued the French ships, and off the capes of the Chesapeake a naval engagement took place. Worsteds 1781. in this engagement, the French returned to Newport; the British squadron entered the Chesapeake; and the troops at Portsmouth were speedily re-enforced by two thousand men sent from New York, under General Phillips, long a prisoner in Virginia under Burgoyne's convention, but lately exchanged for Lincoln. This failure on the part of the French fleet, the fourth futile attempt at co-operation, stopped the march of La Fayette's troops. They halted at Annapolis, in Maryland, in a great state of destitution—without shoes, hats, or tents.

The British frigates, ascending the rivers of Virginia, levied contributions upon all the tide-water counties. One of these vessels entered the Potomac; and the manager at Mount Vernon, to save the buildings from destruction, consented to furnish a supply of provisions. Washington, in a letter to his manager, highly disapproved of this procedure, declaring his preference to have had the buildings burned rather than saved by the "pernicious example", of furnishing supplies to the enemy.

Without waiting for Leslie, who was marching from Charleston to join him, contemporaneously with Arnold's invasion of Virginia, Cornwallis left his camp at Winnsborough, and pushed northward, between the Broad River and the Catawba, designing to interpose himself between Greene, and Morgan against whom Tarleton had been detached with the light troops, about a thousand in number.

Aware of Tarleton's approach, Morgan retired behind the Pacolet, intending to defend the ford; but Tarleton crossed six miles above, and Morgan made a precipitate retreat. The Broad River was before him, and if he could cross it he was safe. There was also a hilly dis-

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trict on his right, which might afford him protection; but, rather than be overtaken while retreating, Morgan preferred to fight on ground of his own selection. He chose for that purpose a place called "the Cowpens," some three miles south of the boundary of the Carolinas, and thirty miles west of King's Mountain, the scene of Furguson's defeat. The forces on both sides were about equal, but half or more of Morgan's men were South Carolina militia, under General Pickens, who had recently joined him. These he drew up in front, in a line by themselves. His Continentals, on whom his hopes chiefly rested, were stationed on an eminence in an open wood, and the cavalry, as a reserve, on the slope in the rear. The British, though worn down by the rapid pursuit, advanced impetuously with loud shouts, confident of victory. The militia fled before them. The advance of the British endangered the flanks of the Continentals, and it became necessary to make a retrograde movement. This movement the British mistook for retreat, and they were rushing forward with some confusion, when the Continentals suddenly faced about, poured in, at thirty yards' distance, a deadly fire, and charged and broke the British line. The British cavalry, while pursuing the flying militia, were charged and defeated by the American horse. Tarleton's whole force was thus put to total rout. Closely pursued, the British lost, in killed and prisoners, more than six hundred men, with all their baggage and artillery. Morgan's loss was less than eighty.

Escaping with a few horsemen, Tarleton joined Cornwallis, who was near at hand. When Leslie came up the next day, Cornwallis ordered all the stores and superfluous baggage to be burned, himself setting the example by giving up a large part of his own. The loss of his light troops was thus made up for by converting

his whole army into a light infantry corps. The only ^{CHAPTER} wagons saved were those with hospital stores, salt, XLII and ammunition, and four empty ones for the sick and 1781. wounded.

Having made this sacrifice, Cornwallis marched the next day, in hopes to intercept Morgan before he could Jan. 19 cross the Catawba. Sensible of his danger, that active officer, leaving the severely wounded under a flag of truce, having crossed the Broad River immediately after the action with Tarleton, had pushed for the Catawba as fast as his encumbered condition would allow; and, two hours before the British van made its appearance, he completed the passage of that river. A sudden rise of the water Jan. 29 took place before the British could cross, and Morgan thus gained time to send off his prisoners and to refresh his weary troops.

As soon as Greene heard of the battle of the Cowpens, he put his troops in motion for a junction with Morgan. Hastening forward himself with a small guard, two days after the passage of the Catawba he assumed in person Jan. 31. the command of Morgan's division. In hope to detain the British on the other bank till his main body came up, Greene called out the neighboring militia to assist in guarding the fords of that river. As soon as the waters fell, Cornwallis attacked a private ford, guarded by Feb. 1 General Davidson with three hundred men, and, in spite of a gallant defense, in which the commander and forty others fell, he forced a passage. Another body of militia was attacked and dispersed by Tarleton. The passage of the river being thus secured, it became necessary for Greene to push for the Yadkin, so the Peedee is called in its upper course. Before he was fairly over the Brit- Feb. 3 ish van came up, and, after a smart skirmish, several of Greene's wagons fell into the enemy's hands. But he

CHAPTER
XLII. had taken care to secure all the boats, and the river was
so high that the enemy could not follow.

1781. Keeping on to Guilford Court House, Greene effected a junction with his main body, which had moved up the left bank of the Yadkin to meet him. While these movements were still going on, he had heard of the invasion of Virginia by Arnold; also, that Wilmington, at the mouth of the Cape Fear River, had been occupied by a British force from Charleston.

Notwithstanding the junction of his two divisions, Greene was yet by no means out of danger. His united force amounted to only two thousand three hundred men, of whom six hundred were militia. Cornwallis, with an army somewhat superior in numbers, and much better appointed, was marching up the Yadkin, intending to occupy the fords of the Dan, the name of the Roanoke in its upper course, so as to cut off the American army from Virginia, whence alone supplies and recruits could come. It was necessary to anticipate this movement; and, leaving Colonel Williams, an able officer of the Maryland line, to whom Morgan, on account of ill health, had relinquished the command of the light troops, to delay the march of the enemy, Greene hastened to the

Feb. 14. nearest ferry, and crossed into Virginia with his baggage and main body. The light corps, closely pursued by the British army, effected the passage also; after a forty miles' march that same day. Few of the soldiers had shoes, and this long and hasty march was tracked with blood.

The American army thus driven out of the state, Cornwallis marched to Hillsborough, the late seat of the state government. The North Carolina state authorities had fled to Newbern; but that town was presently attacked by a detachment from Wilmington, which dispersed the militia of the intervening counties, entered Newbern, de-

stroyed all the salt, sugar, rum, and merchandise of every kind to be found there, burned the shipping, and returned again to Wilmington without molestation. The inhabitants of North Carolina were called upon to make their submission, and the well-affected to embody and to join the British army. The Tories in North Carolina were numerous; but the repeated checks which they had received, and the sharp penalties visited upon their rebellious movements by the state government, had taught them caution. Still, there was so much stir among them, that Greene, assured that re-enforcements were approaching from the north, hastened to recross the Dan, not with any intention of fighting, but, by movements from one point to another, and by sending out skirmishing parties, to prevent the Tories from embodying in force.

Tarleton had been detached to the banks of the Haw, to cover and aid a party of Tories organizing there. Sent in pursuit of him, Lee encountered those same Tories on their march to join Tarleton. They mistook the American for the British horse, suffered themselves to be surrounded, and were cut to pieces without mercy—a bloody execution, which spread general terror, and made the Tories still more cautious than before.

To protect the large Tory population on the Haw and Deep Rivers, and to subsist his army, obliged, as he was, to live at free quarters, Cornwallis crossed the Haw, and encamped on Alimance Creek. Greene followed; but, though re-enforced by some Virginia militia, he was still too weak to risk an action. To avoid attack, he took a new position every night. His former experience was not without use to him; he now acted as his own quarter-master, and, to guard against surprise, never communicated to any one, the day beforehand, where his next encampment was to be. The light troops and

CHAPTER partisan militia were busy, meanwhile, in harassing the
XLII enemy, and keeping the Tories in awe. Greene, as well
1781. as Cornwallis, lived at free quarters, or, if he paid at all,
paid only in certificates. Joined by fresh troops from
Maryland and Virginia, his Continentals now amounted
to sixteen hundred men. His whole force was presently
raised to four thousand five hundred, by a body of six
weeks' volunteers from Virginia and North Carolina.
Anxious to avail himself of these volunteers, he approach-
ed the British army, and, in his turn, sought a battle.
Though Greene's force was more than double of his, rely-
ing on the superior discipline of his troops, Cornwallis did
not decline. At such a distance from his supplies, in a
region where his enemies were zealous and determined,
and his friends doubtful and wavering, he considered a
victory essential to secure his position.

March 15. As the armies approached, a warm skirmish took place
between the advanced light infantry. All that vicinity
was a wilderness of high trees and thick underwood, with
here and there a clearing. Greene had drawn up his
first and second lines on a wooded hill, with an open field
in front, some two or three miles from Guilford Court
House. The first line, North Carolina militia, many of
them compelled to serve as a punishment for their sus-
pected Toryism, were posted behind a rail fence in the
skirt of the wood. In the road on their right were plant-
ed two pieces of artillery. The second line, of Virginia
militia, were posted entirely in the wood, three hundred
yards in the rear. Among them were a considerable num-
ber of discharged Continentals; but General Stevens, their
commander, took the precaution to station a row of sen-
tinels behind them, with orders to shoot down the first
who ran. The third line, four Continental regiments,
two of Maryland and two of Virginia, was stationed in

the rear of the militia, in another open field, nearer the court-house, on the right of the road. The two flanks were covered by light troops. The baggage had been left seventeen miles in the rear. At the first charge of the British, the North Carolina militia fled, throwing away their arms, and even their knapsacks and canteens. The Virginia militia stood better, and from behind the trees poured in an effective fire; but they could not hold out against the British bayonet. Greene relied on his Continentals; but a newly-raised Maryland regiment broke and fled at the first charge. The British, rushing forward in pursuit, were checked by a heavy fire from the other regiments, and, being charged by Washington's horse, were driven back in confusion. The British artillery opening on the pursuers, the fugitives were rallied; and, finding his artillery captured and himself very hard pressed, Greene directed a retreat. It was made with order, the severe loss of the British, upward of five hundred men, preventing any active pursuit. The American army lost on the field upward of four hundred men; and a large part of the militia dispersed and returned home.

The wounded of both armies lay scattered over a wide space. There were no houses nor tents to receive them. The night that followed the battle was dark and tempestuous; horrid shrieks resounded through the woods; many expired before morning. There were no provisions in the British camp; the soldiers had marched and fought without eating; nor was it till the evening of the day after that they received a trifling allowance. Such is war!

The British gained nothing by this dear-bought victory; the gain, in fact, was all on the other side. The British army was so weakened, and Cornwallis found it so difficult to obtain provisions, that he resolved to fall back on Cross Creek (now Fayetteville), where there was a settlement of

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Tories, and where he hoped supplies might reach him up the Cape Fear River from Wilmington. In this expectation, however, he was disappointed; and, finding provisions very scarce at Cross Creek, he continued to fall back toward the mouth of the river.

Though his numbers had been greatly diminished by the departure of the militia, Greene, too, found it difficult to subsist his army, for which purpose he halted on Deep River. Cornwallis having retired toward Wilmington, Greene adopted the bold policy of marching directly into South Carolina, held in subjection by Rawdon with a small British force. Either Cornwallis must march in pursuit, thus relieving North Carolina, or Rawdon, if unsupported, might be driven back, and the open country of South Carolina and Georgia be recovered.

April. At the head of eighteen hundred men Greene advanced rapidly upon Camden, where Rawdon was posted with about nine hundred men, chiefly of the Loyalist regiments. Camden was connected on the one hand with Charleston, on the other with Ninety-six and Augusta, by a chain of posts slightly fortified, and garrisoned mostly by bodies of Loyalist militia, but strong enough to resist the mounted partisan corps under Marion and others, which continued to give the British some annoyance, though unable to excite any serious alarm. Greene pushed along the road which Gates had followed some seven or eight months before, through the country of the Regulators, a barren region, where it was by no means easy, especially at that season of the year, to find subsistence for the troops. Having entered South Carolina, he detached Lee with his cavalry to join Marion, and to assail Rawdon's line of communication with Charleston.

Greene was well on his march before Cornwallis was aware of his intention. It was then too late to succor

Rawdon, and Cornwallis imitated Greene's bold policy by marching north toward Virginia, to join the British force already there under Arnold and Phillips. CHAPTER
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Not being strong enough to assault or to invest Camden, after various movements Greene encamped at Hobkirk's Hill, within two miles of the British lines. Rawdon made a circuit, and following the edge of the swamp, relied upon as a cover to the American left, gained that flank; but Greene promptly formed his troops, and the attempted surprise proved a failure. April 25. The British, advancing with a very narrow front, were exposed to a galling fire from the American artillery, and Greene ordered the extremities of his line to take the British column on either flank, while Washington's horse fell upon their rear. They seemed on the point of being surrounded, when Rawdon called up his reserve and extended his front. Gunby's veteran Maryland regiment, which formed the American center, though distinguished in many previous actions, gave way before the charge of the British column. The whole line was thus thrown into confusion, and obliged to retreat over the hill. The superiority of the Americans in cavalry prevented any pursuit; and Washington's horse brought off the cannon which the retreating troops had left behind. Greene retired some twelve miles to Rugeley's Mills, where he encamped. The loss on either side was about two hundred and fifty.

Two days before this battle, Fort Watson, on the Santee; one of the posts on the line of communication between Camden and Charleston, had surrendered to Lee and Marion. April 27 The inhabitants between the Peedee and the Santee hastened to take up arms. All the passes were occupied. The British line of communication on the north side of the Santee was broken. Colonel Watson, on his march with five hundred men to re-enforce Rawdon, after

CHAPTER XLII. vainly attempting to make his way up that side of the river, was obliged to descend the Santee, cross near its mouth, and march up on the other side. Thus re-enforced, Rawdon sought another battle; but Greene had occupied another position, too strong to be assailed. Meanwhile, Lee and Marion crossed to the south side of the Santee, and laid siege to Fort Motte.

Alarmed at these operations in his rear, Rawdon abandoned Camden, and, followed by a number of Tory families, retreated to Monk's Corner. Fort Motte surrendered; Sumter took the post at Orangeburg; and, after taking Fort Granby, Lee was sent against Augusta. He was joined in this enterprise by the Whig militia of the upper district, led by Pickens, and, after a brave defense, Augusta was obliged to capitulate. Greene, meanwhile, had marched against Ninety-six, the chief British stronghold in the upper country, where he was presently joined by Lee.

Ninety-six was very obstinately defended by a garrison of American Loyalists; and the unwelcome intelligence presently arrived that Rawdon, re-enforced by three regiments from Ireland, was advancing to relieve it. An assault was attempted; but the storming party was repulsed with loss, and, as Rawdon approached, Greene abandoned the siege, and retired across the Saluda.

Rawdon followed as far as the Ennoree; but the heat of the weather had become excessive; Rawdon had resolved to contract the limits of his defense; Ninety-six was abandoned, and the British army retired to Orangeburg, followed by a train of frightened Tory families. Greene followed also; but presently retired to the hills of Santee to refresh his troops, and to wait for supplies and re-enforcements. The British army encamped on the Congaree, distant from Greene, in an air line, not more

than fifteen miles ; but the character of the intervening CHAPTER XLII country was such, intersected by rivers and swamps, that the armies could not meet except by a circuit of seventy 1781. miles.

In this active campaign of seven months, though defeated in two pitched battles, Greene had reaped all the fruits of victory. The larger part of South Carolina had been recovered, the British being now confined to the comparatively narrow district between the Santee and the Lower Savannah.

Though active operations by the main armies were suspended, the partisan corps on both sides still kept the field. Each party, in its turn, rifled and burned the houses of opponents. Blood was very freely shed ; even the women and children were not always spared. The stealing of each others' slaves was a main part of these operations. It was in that way that Sumter paid his men. These bands of plunderers, while they effected little or nothing of permanent importance, added exceedingly to the horrors of the war.

The British commander shot as deserters all who were taken in arms after having once accepted British protections. The execution on that score of Colonel Hayne, a Aug 6 distinguished citizen of Charleston, who had given his parole at the surrender of that city, but had afterward been taken in arms, produced a very aggravated state of feeling. Greene issued a proclamation threatening to retaliate ; and the partisan corps were restrained with difficulty from shooting such British officers as fell into their hands. Greene, too, thought himself obliged to shoot as deserters all those found in the ranks of the enemy who had once served in his own. These mutual executions inflamed to the highest pitch the fury of civil hatred.

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While the British conquests in South Carolina were thus curtailed, what remained of the province of West Florida passed into the hands of the Spaniards. Galvez, Feb. 28. the Spanish governor of Louisiana, sailed from New Orleans to attack Pensacola with an army of fourteen hundred men. Joined by a squadron from Havana and by a re-enforcement from Mobile, he obtained possession of the harbor, and Colonel Campbell, who commanded the British garrison, was at length induced to surrender.

Pending this siege, a false report of the approach up the river of a British squadron had induced the Connecticut immigrants near Natchez to attack and recapture Fort Panmure. Informed of their mistake, and of the fall of Pensacola, and alarmed at the idea of Spanish vengeance, they resolved to fly through the woods to Georgia. Men, women, and children set out on horseback, and during a journey of more than four months, suffered most cruelly from hunger and the hostilities of the Indians. On reaching the frontiers of Georgia they divided into two companies: one fell into the hands of the Whig insurgents on that frontier; the other, following down the right bank of the Altamaha, crossed near its mouth, and at last reached the British post at Sunbury. Aug.

In the course of the same summer the Spanish post at St. Louis was attacked by a British party which descended from Mackinaw by way of Lake Michigan and the Illinois; but the siege was raised by General Clark, who still commanded on the western frontier. Clark also raised the siege of Fort Jefferson, which the Choctaws had attacked with great fury. But this fort, which gave serious offense to that tribe as an intrusion on their lands, and which could only be sustained at great trouble and expense, was presently abandoned. The district west of the Tennessee remained, indeed, till 1818, in possession

of the Choctaws, the only resident Indians found by the white men within the limits of Kentucky. Such was the increase of inhabitants in that new district, that it was already divided into three counties : *Jefferson*, the region about Louisville; *Fayette*, the region around Lexington; and *Lincoln*, the region between the Kentucky and the Cumberland. Clark, commissioned as brigadier general, was still the military commander. A fierce war was carried on with the Indians north of the Ohio, both parties alternately invading each other. The Indians, in one of their late invasions, had been led by a British officer, and supported by two pieces of artillery. Clark's head-quarters were at Fort Nelson, now Louisville. Spies and scouting parties watched the hostile Indians, and Clark employed a galley, mounting some small pieces of cannon and moved by oars, to cruise up and down the river. Among the now numerous emigrants to Kentucky were many deserters from the American army, sick of military restraints, and seeking, in those western wilds, that personal freedom and independence which military law did not allow. The Virginia paper money was so depreciated that warrants for a thousand acres of land might be purchased for five dollars in specie. Warrants were purchased in unlimited numbers, and the whole surface was covered with double and triple surveys, many of them very vague, whence resulted afterward a great uncertainty of land titles and excessive litigation.

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PHILLIPS AND CORNWALLIS IN VIRGINIA. ARMY, FINANCES, AND DEBT. FINAL DOWNFALL OF THE PAPER MONEY. FRENCH LOAN AND SUBSIDY. JUNCTION OF THE FRENCH AND AMERICAN ARMIES. OPERATIONS IN THE CAROLINAS. CAPTURE OF CORNWALLIS.

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April 9.

THE corps detached under La Fayette for the assistance of Virginia had been met, while returning northward after the failure of the French fleet to enter the Chesapeake, by orders to join Greene. Drafted principally from the New England regiments, these troops were fearful of the climate and indisposed to the service, and many deserted. After shooting a deserter or two, La Fayette adopted the more effectual measure of appealing to the pride of his soldiers. While he offered free passes to all who wished to leave him, he secured the affection of the troops by obtaining for them at Baltimore, on his own credit—for no one would trust the United States—a supply of hats, shoes, blankets, and overalls, of which they stood greatly in need. Their arrival in Virginia was very seasonable; for, in anticipation of support from Cornwallis, who was fast approaching, the British already there had commenced active operations.

Having finished his fortifications at Portsmouth, and thus secured a place of retreat, Phillips proceeded up James River and the Appomattox, took Petersburg, and destroyed four thousand hogsheads of tobacco, part of the "specificks" demanded of Virginia, collected there for shipment to France. The entire force of the Virginia line under

arms at this moment was less than one thousand men, serving under Greer, and about half as many more naked recruits whom Steuben was striving to arm and equip. 1781. Not able to muster troops enough to make any effectual resistance, his Continentals being mostly without arms, Steuben retreated to Richmond. Phillips followed, and arrived opposite, on the banks of the James River, just as La Fayette's division from Baltimore entered the town. Even the invasion of the state had called into the field less than three thousand militia; and Richmond owed its temporary safety to the presence of La Fayette's New England detachment. Phillips retired to City Point, at the junction of the James and Appomattox. After collecting an immense plunder in tobacco and slaves, besides destroying ships, mills, almost every thing, indeed, that fall in his way, he embarked his army, and dropped some distance down the river.

The policy adopted by Dunmore, at the beginning of the contest, of arming the slaves against their masters, had not been persevered in by the British. Neither in Virginia nor in the Carolinas had the negroes been regarded in any other light than as property and plunder. The slaves carried off first and last from Virginia alone were estimated at not less than thirty thousand. Had they been treated, not as property, but as men and the king's subjects, and converted into soldiers, the conquest of the Southern states would have been almost inevitable.

Having marched across the whole breadth of North Carolina with less than two thousand men, encountering no opposition on the way which a small advanced guard, under Tarleton, had not easily overcome, Cornwallis presently reached Halifax, on the Roanoke, whence orders were sent to Phillips to proceed to Petersburg, to meet him. Bodies of light troops were thrown out from Hal-

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April 29.

May 2

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ifax toward Petersburg; the fords of the Meherrin and the Notaway were occupied; and the junction of the two
1781. British corps was effected without any obstruction. Re-
May 20. enforced, shortly after, by four additional regiments from New York, Cornwallis greatly outnumbered La Fayette's army, which consisted of little more than one thousand Continentals and two thousand militia.

The most valuable stores having already been removed
May 25. from Richmond, La Fayette, abandoning that town, retired northwestwardly toward the Rappahannoc, to form a junction with the Pennsylvania line under Wayne, recruited, since the late revolt and disbandment, to about a thousand men, and now on their march to join the Southern army.

The Assembly of Virginia, as a means of meeting the present emergency, besides conferring very extensive powers upon Governor Jefferson, had proclaimed martial law within twenty miles of either army, and had authorized the issue of fifteen additional millions of pounds in bills of credit, at the rate of forty for one. The depreciation, already three times as much, received a great impulse from this immense additional issue, and the bills proved but a very ineffectual resource. Upon La Fayette's retirement from Richmond; the Assembly adjourned to Charlottesville. The prisoners under Burgoyne's capitulation, encamped in that vicinity for two years past, obliged suddenly to leave their comfortable huts and little gardens, were hastily marched, for security, over the mountains to Winchester.

When about thirty miles from Richmond, finding that the junction of La Fayette and Wayne could not be prevented, Cornwallis stopped the pursuit. But a light infantry party, under Colonel Simcoe, was detached to break up the Virginia laboratory and armory at the junction of

the Rivanna with the James, some sixty miles above Richmond, insufficiently guarded by a body of half-armed recruits under Steuben. Another party, composed of cavalry, under Tarleton, was sent to make a dash at the Virginia Assembly at Charlottesville, and to capture Jefferson, who resided in the neighborhood. Tarleton met and destroyed twelve wagons loaded with clothing and stores for Greene's army. He also made prisoners of several gentlemen—among them seven members of Assembly—who had fled for safety from the lower country. On the news of his approach, the Assembly adjourned in great confusion to Staunton. Jefferson, whose term of office had just expired, received warning, and had a very narrow escape.

The late governor had already declared his intention not to be a candidate for re-election, and, when the Assembly came together at Staunton, General Nelson, the commander of the Virginia militia, was chosen to succeed him. There was, indeed, some disposition to throw the blame of the late disasters on Jefferson. A motion was even made in the Assembly for his impeachment. It was also proposed, considering the present emergency, to appoint a dictator—a proposition defeated by a few votes.

Simcoe had already completely succeeded in the object of his expedition. Steuben, with his recruits, retreated without attempting any opposition. A large quantity of arms under repair, powder, and other stores, which could very hardly be spared, were destroyed by the British; after which, Simcoe and Tarleton, having joined their forces, descended the James River, one party on either bank, ravaging every thing before them.

Joined by Wayne, La Fayette again advanced, and interposed himself in a strong position near Charlottesville, between the British army and some large quantities of

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1781.

June 4.

June 7.

June 11.

CHAPTER stores removed from that town on the enemy's approach
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In consequence of Clinton's apprehensions that Washington meant to attack New York with the aid of a French fleet, Cornwallis had just received orders to send a part of his troops to that city. To embark the troops as directed, Cornwallis marched off toward Williamsburg, followed cautiously by La Fayette, who was presently joined by Steuben with his new levies. La Fayette's force amounted now to four thousand men, half Continentals. Cornwallis had many more men; his cavalry, mounted from the stables of the planters, whose horses, begrudged to Greene, were now seized by the British, ravaged the country in every direction, and spread every where the greatest alarm. After a sharp action with a party of La

July 6. Fayette's troops at the Jamestown Ford, Cornwallis crossed the James River, and retired to Portsmouth. Part of his troops were embarked for New York, but were speedily disembarked on the receipt of fresh orders to occupy some strong and defensible position in Virginia convenient for ulterior operations. Portsmouth did not seem to be such a place; and Cornwallis selected, in preference, the two opposite peninsulas of Yorktown and Gloucester, projecting into York River—a more central position, and more convenient and accessible for heavy ships. Thither

Aug. 1. he presently removed with his whole army, amounting to eight thousand men, attended by several frigates and smaller vessels, which continued their depredations up the rivers. The destruction of property by the recent invasion was estimated at not less than ten millions of dollars.

The Southern states were very anxious for the personal presence of Washington in that department; but he believed that the South might most effectually be relieved by striking some decisive blow at New York. The means, however, for such a blow were not so obvious. The su-

periority of the British naval force still kept the French army idle at Newport. The Southern states, invaded and overrun, were hardly able to defend themselves; while the Eastern states, hitherto so sturdy, seemed now almost exhausted. Recruits for the army came forward very slowly. The New York regiments had been detached to defend that state from Tory and Indian invasion. The Pennsylvania line, and even some drafts from the Eastern regiments, had been sent to Virginia. Late in the spring, the entire force under Washington's immediate command fell short of seven thousand men—not equal to the number of Loyalists employed at that time in the British service. It was with the utmost difficulty that even this small force was fed. To obtain a supply of provisions, Washington was obliged to send May 10. Heath to the Eastern states with a circular letter and pressing representations.

In addition to the requisitions of the last year, which remained, in a great measure, undischarged, Congress had called upon the states for six additional millions, in quarterly installments, to commence on the 1st of June, payable in money of specie value. The scheme of specific supplies, found very unmanageable, and attended with great expense, was now finally abandoned.

The domestic debt of the Union, under the scale of depreciation adopted by Congress—estimating the outstanding old tenor at seventy-five for one, to which rate it had now sunk—amounted to twenty-four millions of specie dollars, to which some five millions were to be added, due abroad. Interest to the annual amount of a million of dollars was already payable on the liquidated portion of this debt.

The estimate for the current year, including the payment of half a million of outstanding commissary cer-

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CHAPTER XLIII. tificates, amounted to nineteen millions and a half of specie dollars. To meet this large sum, the yet unpaid

1781. requisitions of the last year were counted on for nine millions, and three installments of the six million requisition lately made for an additional four millions and a half. The exchange of the outstanding "old tenor" for bills of the new emission, if completed, would put three millions two hundred thousand dollars into the federal treasury. Half a million in commissary certificates was reckoned on as the produce of the outstanding paper money requisitions. Half a million more was hoped for as the produce of a proposed federal duty of five per cent. on all imports. Such an impost, as a fund toward paying the interest and principal of the public debt, had been recommended by a convention of the New England states, held at Hartford the preceding autumn. This proposition had been
 Feb. 3. approved by Congress; the states had been called upon to make the necessary grant of authority; some of them had already complied, and the consent of the rest was confidently expected.

The greater part of this expected income failed to be realized. The "new tenor" scheme did not answer the expectation of its projectors. Several of the states declined altogether to adopt it. In those which did, as the old paper continued to depreciate, the new suffered a corresponding decline. Taught by experience, "the inefficiency of all attempts to support the credit of paper money by compulsory acts," Congress recommended the repeal
 May. 22. of any laws which might still be in force making paper bills of any sort a legal tender. At the same time, the states were informed that, as the expenses of the campaign had been calculated in "solid coin," the requisition must be met in that or its equivalent. So far from being such an equivalent, the "new tenor" had sunk to

four for one; and as its further issue must be attended with heavy loss, Congress advised to stop it. CHAPTER
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After a good deal of discussion, it had been determined, 1781. early in the year, to abandon the old system of boards and committees, and to put foreign affairs, war, marine, and finance, each under a single head. The first filled of these departments was that of finance, the appointment being accepted by Robert Morris, on the express condition that all transactions should be in specie value.

Thus rejected by the government, its creator, the paper money, of which upward of a hundred millions in old tenor still remained outstanding, declined in value more rapidly than ever. The local paper currencies, to which Pennsylvania, North Carolina, and especially Virginia, had recently made great additions, partook of a similar decline. The paper fell to a hundred, a hundred and twenty-five, two hundred, and presently five hundred for one. Speculators were willing to buy any kind of goods with it at any price, and a large amount was sent from Philadelphia to Boston to be so invested, of which the Bostonians loudly complained. The decline of the paper was so rapid that nobody was willing to hold it for a day. Finally it sank to a thousand for one. The soldiers in camp combined not to take it, and before the end of the year it dropped entirely out of circulation.

Washington's circular letter obtained some supplies from New England. Morris made a contract with Pennsylvania, by which he agreed to furnish all the "specifics" required of that state, in value a million of dollars or more, on the credit of certain taxes which the Assembly had imposed. But as yet, impressment of provisions still continued the main resource for supporting the army. Morris could only obtain a little money by selling bills on Franklin, for which it was hoped the French court would

CHAPTER enable him to provide. A few of these bills constituted
XLIII the only thing in the nature of cash with which it was
 1781. possible to furnish Greene.

Shortly after the arrival of Cornwallis in Virginia, a frigate from the Count de Grasse, the new French admiral in the West Indies, brought information that he might speedily be expected on the American coast with a powerful fleet. The French army marched from Newport,

June 25. where it had lain idle for eleven months, to join Washington in the Highlands. Washington and Rochambeau both wrote to the admiral, pressing him to bring additional troops. The combined army, moving from the

July. Highlands, encamped within twelve miles of King's Bridge. These movements, and especially an intercepted letter from Washington to Rochambeau, containing allusions to a projected attack on New York, had occasioned the order to Cornwallis to send troops to that city. The arrival of three thousand Hessians had caused the countermand of those orders, and the direction to Cornwallis, already mentioned, to occupy some strong and central position in Virginia.

Aug. Another French frigate presently arrived with information that De Grasse would sail directly for the Chesapeake. His stay must of necessity be short; Washington's ranks were still very thin; Rochambeau was opposed to an attack on New York, as too great an undertaking for the force at their disposal; it was finally re-

Aug 17. solved to take advantage of De Grasse's promised aid to strike a blow at Cornwallis in Virginia. Orders were sent to La Fayette to take up a position to cut off the retreat of the British army into North Carolina. At the same time, every effort was made to conceal from Clinton the change of plan, and to keep up the idea that an attack on New York was still intended.

The French troops, and a division of the American army under Lincoln, crossed the Hudson at King's Ferry, and moved off through New Jersey toward the head of the Chesapeake; but, to deceive Clinton, ovens were built near the southern waters of New York harbor, as though a large body of troops were to be stationed there. Ignorant of their precise destination, but not well pleased at this long southern march, the New England troops, as they passed through Philadelphia, exhibited some signs of dissatisfaction. It was thought that a small payment in specie would restore their good humor; but Morris, who had already strained his credit to the utmost, was totally destitute of money. Rochambeau advanced him \$20,000 from the French military chest, on a promise of repayment by the first of October. At this critical moment Laurens landed at Boston, on his return from France, with a large supply of clothing, arms, and ammunition, and, what was still more acceptable, half a million of dollars in cash. CHAPTER XLIII
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Besides a loan of four millions of livres, \$740,740, to take up the bills already drawn upon him, Franklin had obtained from the French court, before Laurens's arrival, a subsidy of six millions of livres, \$1,111,111, to be appropriated principally to the purchase of supplies for the army, but partially, also, to the payment of outstanding acceptances, or such additional bills as might be drawn. The downright and positive manner of Laurens in demanding money was by no means pleasing to the French minister; but Vergennes agreed to guarantee a loan in Holland for the benefit of the United States to the amount of ten millions of livres more, \$1,851,851. In communicating to Congress these acceptable favors, the French ambassador seriously remonstrated against the practice of drawing bills without any previous provision

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 1781. to take them up—a practice highly embarrassing to the French treasury, and totally inconsistent with financial regularity. It was also intimated that the state of the French finances was such as to make the repetition of any such aid as the present entirely out of the question.

While Washington was thus furnished with the means of operating with energy and decision, Greene also had again taken the field. His successes had strengthened the hands of the North Carolina Whigs. Abner Nash, the governor of that state for the last two years, had been succeeded by Thomas Burke. A law was passed for compelling the counties to fill up the vacancies in the regiments of the line. Measures were taken for keeping two thousand militia in the field by means of a monthly draft. Horses were sent to Greene to remount his cavalry; and great efforts were made to buy or borrow arms, of which there was a lamentable deficiency. Three hundred horses were also received from Virginia, impressed by Jefferson's orders, to save them from falling into the hands of the British. An offer had also been made of militia; but Greene declined it, desiring the state rather to fill up her empty Continental ranks.

Oct. 22. The heat having somewhat abated, Greene marched up the Wateree to Camden, crossed that river and the Congaree also, and, being joined by the militia of the upper districts under Pickens, approached the British army, which retired before him down the Santee. Marion also joined Greene's army with his partisan corps. A large mounted party of the enemy, sent out to forage, was surprised near Eutaw Springs, and many of them made prisoners. Those who escaped gave the alarm. Colonel Stuart, to whom Rawdon, on his departure for England, had relinquished the command of the British army, formed his troops in an oblique line across the road, in which,

were planted two pieces of artillery. Greene advanced in two lines, the militia in front. His attack, made with great vigor, principally on the artillery and the British left, was just as vigorously met. The artillery on both sides was repeatedly taken and retaken. By great exertions, the British left was broken at last, and victory seemed to declare for the Americans; but a party of the routed troops threw themselves into a strong stone house with a picketed garden adjoining, and, though the American artillery was brought up, all attempts to dislodge them proved unsuccessful. Meanwhile, a British battalion on the right of the road, after repulsing a charge of the American horse, gained the rear of the attacking column. The British left rallied, and the Americans were finally repulsed. They lost two of their four pieces of artillery, but carried off one belonging to the enemy. In this hard-contested action, Greene had somewhat more and the British somewhat less than two thousand men. The loss was very heavy on both sides; that of the British amounted to near seven hundred men, of whom two hundred and fifty were prisoners. The American loss was almost as great. Colonel Washington, commanding the American horse, was wounded and taken prisoner.

Both sides claimed the victory, but all the advantage of the action accrued to the Americans. Stuart presently retired to Monk's Corner, and the British were thenceforth restricted to the narrow tract between the Cooper and Ashley. Greene, however, was too much exhausted to continue active operations. His troops were barefoot and half naked. He had no hospital stores, hardly even salt, and his ammunition was very low. He retired again to the hills of the Santee, where the militia left him. In the distressed condition of the army, signs of mutiny appeared in the camp, and an execution became necessary to keep it down.

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A bold enterprise on the part of one Hector M'Neal revived the spirits of the North Carolina Tories. At the head of a body of Loyalists he surprised Hillsborough, a little village, the capital of the state, and not only captured a small body of Continental troops, but made prisoners, also, of Governor Burke and his council. M'Neal was attacked and slain on his retreat by a party of militia, but his followers succeeded in getting into Wilmington with their prisoners.

The North Carolina Loyalists began to make new movements; but General Rutherford marched into the disaffected districts at the head of a body of militia, drove the Tories from their dwellings, burned their houses, destroyed their crops, and, with very little regard to former promises or capitulations, resorted to all sorts of severities in hopes of driving them all into Wilmington.

Meanwhile that French fleet for which Washington was so anxiously looking made its appearance on the American coast. The Count De Grasse had sailed from France toward the end of March with twenty-six ships of the line, followed by an immense convoy of two or three hundred merchantmen. Rodney, still busy in selling the plunder of Eustatius, sent Hood, with seventeen ships of the line, to cut the French off from Martinique. Though joined by four more heavy ships, which came out from that island, De Grasse studiously avoided a close engagement; and, during an action at long shots, the whole convoy got safe into the harbor of Fort Royal. Several of Hood's vessels, having exposed themselves to the fire of the whole French fleet in their efforts to bring on a general engagement, had suffered severely; Hood bore away to Antigua for repairs, and De Grasse meanwhile accomplished the conquest of Tobago. He then proceeded with the fleet of merchantmen to St. Domingo, whence he pres-

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June.

ently sailed with an immense return convoy bound for France. After seeing this convoy well on its way, De Grasse changed his course and steered for the Chesapeake. 1781. Rodney expected that part of the French ships would proceed to the American coast; but, having no idea that the whole fleet would take that direction, he judged it sufficient to re-enforce Graves, who commanded on the American station, by sending Hood thither with fourteen ships of the line. Hood anticipated the French fleet, and arrived first off the Chesapeake. Not finding Graves there, he proceeded to New York. The very day of his arrival, news was received that the French squadron at Newport, under Du Barras, had put to sea, plainly with intent to form a junction with the French ships from the West Indies. In hopes to cut off one or the other of the French squadrons before this junction could be effected, Graves sailed with the united British fleet, amounting now to nineteen ships of the line. But, on arriving off the entrance of the Chesapeake, much to his surprise, he found De Grasse, with twenty-four ships of the line, at anchor just inside of Cape Henry.

Having reached the Chesapeake six days before, De Grasse had found an officer of La Fayette's on the lookout at Cape Henry, at whose request he had sent four ships of the line and several frigates to block up James and York Rivers, so as to cut off Cornwallis's retreat. Three thousand French troops had also landed, and marched to join La Fayette.

No less surprised at the sudden appearance of the British fleet than Graves was at seeing them, the French ships slipped their cables and stood out to sea. The fleets continued maneuvering in sight of each other for five days. A distant cannonade was interchanged; but De Grasse took care to avoid a close action, his great object being

CHAPTER XLIII. to cover the arrival of the squadron from Newport. During these maneuvers, Du Barras entered the bay, and

1781. along with him several transports loaded with heavy artillery for the siege of Yorktown. His object thus accomplished, De Grasse immediately returned to the Chesapeake. Obligated to burn one ship, totally disabled in his attempts to bring on an action, and having several others badly damaged, Graves returned to New York to refit, leaving the French fleet in undisturbed possession of the bay. The run of ill luck, which on so many previous occasions had defeated the attempt at French and American co-operation, seemed at last to have turned. Transports
Sept. 10. were sent up the Chesapeake to bring down the French and American armies; and, in an interview between Washington, De Grasse, and Rochambeau, the plan of operations was speedily arranged.

Having discovered Washington's real object, Clinton had attempted to interrupt it by a diversion at the north. The Highlands, held by fourteen regiments, and now again under the command of Heath, were too strong to be attacked; but an expedition under Arnold, recalled from Virginia several months before, to advise about an attack on the Highlands, was sent against the coast of Connecticut. New London, a resort of privateers, and a dépôt
Sept. 7. for the West India trade, was plundered and burned, and a great amount of property destroyed. Fort Griswold, on the opposite side of the river, was carried by assault, with a loss to the British of two hundred men—a loss retaliated by the merciless slaughter of the garrison, Colonel Led-
yard, the commander, and some sixty others, being massacred after the surrender. As the militia of the neighborhood began to assemble, Arnold, who knew and dreaded their spirit, hastened to re-embark.

The combined French and American army, by the help

of the French transports, soon formed a junction with La Fayette at Williamsburg, whence they marched to invest Cornwallis. Three thousand five hundred Virginia militia had assembled at La Fayette's camp under Governor Nelson. The Continentals, those under La Fayette and those brought from the north, amounted to five thousand five hundred. The French, including the troops landed by De Grasse, were seven thousand in number. The besieging army thus amounted to sixteen thousand men. The British force, about half as numerous, was mostly at Yorktown, and against that place the operations of the besiegers were principally directed. The works on the opposite side, at Gloucester, were merely blockaded. Yorktown had been made as strong as possible, works having been thrown up in advance to impede an enemy's approach. The most interesting event of the siege was the simultaneous storming of two of these advanced redoubts by two parties, one French, the other American. The van of the American party was led by Hamilton, whose thirst for military fame had induced him to seek a command in the line. The captured redoubts were included in the second parallel; the ramparts of Cornwallis crumbled fast under the fire of the besiegers; his guns were dismounted; his shells began to fail; the hope of relief from New York grew faint. A sally was attempted, but without much success. As a last resort, Cornwallis thought of passing his army across to Gloucester, forcing a passage through the troops on that side, and making a push for New York. But a violent storm drove his boats down the river, and even that desperate scheme had to be abandoned.

The event of an assault could not be doubtful, and, to save the useless shedding of blood, Cornwallis proposed to capitulate. A treaty was accordingly opened, and the

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British troops, about seven thousand in number, surrendered to Washington as prisoners of war. The loss of the British during the siege, in killed, wounded, and prisoners, had amounted to five hundred and fifty men. The American loss was about three hundred; but among the slain was the accomplished and popular Scammell, late adjutant general. The ships and naval stores, with fifteen hundred seamen, were given up to the French. Washington would enter into no express agreement for the safety of the refugees in the British camp; but Cornwallis was allowed the use of a ship, to pass without examination, nominally to send dispatches to Clinton, in which some of the most obnoxious escaped to New York. Lincoln, who had given up his sword to Cornwallis at Charleston, was appointed to receive the surrender of the British troops. The rigor of the British on that occasion was not forgotten; now, as then, the capitulating force was required to march out with colors cased.

Clinton, meanwhile, had been anxiously awaiting the repairs of the British fleet, which received also some reinforcements; and, the very day of the capitulation, he sailed from New York with seven thousand men, determined to rescue Cornwallis at all hazards. When off the Capes of the Chesapeake, news was received of the surrender; and, as the British fleet was still much inferior to the French, Graves hastily returned to New York.

Washington desired to follow up this success by an attack on Charleston; but De Grasse, anxious to return to the West Indies, was unwilling to co-operate. He even declined to take the responsibility, at that stormy period of the year, of landing at the mouth of Cape Fear River a re-enforcement for Greene's army. Greene's troops of the Virginia line, levies for a limited period, had become entitled to their discharge, leaving him, in spite of his

earnest and repeated remonstrances, without a single Virginia soldier in his army. The aid intended from that state had been diverted by the recent invasion. After the surrender of Cornwallis, Wayne, with two thousand Pennsylvania Continentals, marched off to Greene's assistance.

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Governor Nelson, very active during the siege of Yorktown, had sometimes been obliged to order impressments on his own authority, without that concurrence of the council which the law required. The Legislature having assembled, he resigned his office, and was indemnified by a special act. His successor was Benjamin Harrison, also a signer of the Declaration of Independence, for several years an active member of Congress, late speaker of the Virginia House of Delegates, and governor for the next three years. The Assembly, at the same session, notwithstanding the late attempt at impeachment, passed a resolution highly approving the conduct of Jefferson while governor.

Nov.

Since the supply of money from France, Morris had adopted the plan of feeding the troops at the north by contract. The Virginians, very restive under impressments, which they passed a special act to prohibit, except in case of invasion and by warrant of the governor, complained loudly that the same system was not extended to the south.

The French army, under Rochambeau, remained encamped for the winter at Williamsburg. The Continentals returned to their old position near the Highlands, detachments being stationed at Pompton and Morristown. The prisoners of Cornwallis's army were marched over the mountains to Winchester, whence a part of them were sent to Lancaster, in Pennsylvania.

Knox and Du Portail had been recommended for promotion by Washington, on account of their distinguished

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1781. presently obtained the same honor, delayed, however, by an attempt on the part of the friends of M^cIntosh, James Clinton, and Moultrie, whose commissions as brigadiers were prior to Knox's, to secure the same promotion for them. This attempt was successful only in the case of Moultrie. Hazen, colonel of the Canadian regiment, had been made a brigadier some months before, and the same rank was presently conferred on Colonel Williams, of Maryland, commander, since Morgan's retirement, of Greene's light troops.

Washington spent some time in Philadelphia urging speedy preparations for the next campaign. For the
Oct. 1. service of the coming year, Congress had already called upon the states, in addition to unpaid outstanding requisitions, for eight millions of dollars, payable quarterly in specie or commissary certificates. The states were requested to impose separate and distinct taxes for their respective quotas of this sum; those taxes to be made payable to the loan-office commissioners, or to federal collectors to be appointed by Morris, for whom was asked the same summary power possessed by the state collectors. At Washington's suggestion, an earnest circular letter calling for men and money was sent to all the states; but the people were too much impoverished and exhausted to make any great efforts, and the general expectation of peace furnished new excuses for backwardness

The frontiers of New York continued to suffer from Tory and Indian invasion. General Schuyler's house in
Aug. the outskirts of Albany was attacked and robbed by a bold party of marauders, and some of the inmates carried prisoners to Canada. Schuyler saved himself by barricading his chamber door, firing on the enemy, and giving orders

from the window as though a large party were coming to his assistance. Colonel Willett, employed with his regiment in the defense of the frontier, had a sharp encounter at Johnstown, the former residence of the Johnsons, with five or six hundred Tories, whom he repulsed with loss.

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The surrender of Cornwallis was soon felt in the southern department. Wilmington was evacuated, thus dashing all the hopes of the North Carolina Tories. Greene approached Charleston, and distributed his troops so as to confine the enemy to the neck and the adjacent islands.

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In re-establishing the state government of South Carolina, none were allowed to vote who had taken British protections. John Matthews was elected governor; among the earliest proceedings of the Assembly was the passage of a law banishing the most active British partisans, and confiscating their property. The services of Greene were also gratefully remembered in a vote of 10,000 guineas, \$50,000, to purchase him an estate.

Jan.

The Georgia Assembly, in a meeting at Augusta, chose John Martin as governor, and passed a law of confiscation and banishment very similar to that of South Carolina. Greene presently received from this province also the present of a confiscated plantation. North Carolina acknowledged his services by a grant of wild lands.

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STATE CONSTITUTIONS. THE CONFEDERATION. WESTERN LANDS. CONGRESS. EXECUTIVE DEPARTMENTS. BANK OF NORTH AMERICA. INTER-STATE CONTROVERSIES. VERMONT. WESTERN SETTLEMENTS.

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FOR seven years the states of America had been engaged in a bloody, anxious, and expensive contest, in 1782. the course of which, every state, in turn, New Hampshire alone excepted, had become the seat of war and the scene of ravages, carried often to a fearful extent. In the midst of this engrossing struggle, the people had upon their hands the still more serious task of organizing their respective local governments, and arranging terms of Confederation and Union.

The establishment of independent governments in the states, and the adoption of written constitutions in most of them, have been already noticed as they occurred. The idea of these constitutions was evidently derived from the royal charters, originally in all the colonies, and in several of them down to the Declaration of Independence, the basis of the colonial administrations. Even after that declaration, in Massachusetts, Connecticut, and Rhode Island, these same charters continued, with some modifications, to serve as the basis of state governments. The Constitutions of New Hampshire, South Carolina, Virginia, and New Jersey, adopted in haste just before the Declaration of Independence, were formed without much deliberation, and in some points were very defective. The Constitution of Maryland, and especially that of New

York, in which John Jay had a principal share, were more carefully and elaborately drawn. South Carolina revised and modified her first Constitution in 1778. The same year, the council and House of Representatives of Massachusetts, exercising the powers of government under the modified charter, undertook to frame a constitution for that state; but, when submitted to the people for approval—a practice then introduced for the first time—that Constitution was rejected, principally because it included no Bill of Rights, and because a special convention had not been summoned to frame it. Such a special constitutional convention—the first body of that sort—met the next year. John Adams, who had just returned from his mission to France, was a member; and so was Samuel Adams, absent for that purpose from his seat in Congress. The Adamses and Bowdoin, acting as a sub-committee, reported, at an adjourned session, the draft of a constitution, which, being modified and adopted by the Convention, and approved by the people, went into operation the same year. John Hancock was chosen the first governor under this new Constitution. It was presently taken for a model, in many respects, by a convention which met in New Hampshire to frame a new constitution for that state. Though all these original state constitutions have since been superseded or variously modified, their main features are still preserved, and a sketch of their principal provisions forms an essential part of our revolutionary history.

For all practical purposes—even to the extent of alterations of the Constitution, except in a few states, where different provisions were made—the sovereign power was vested in the respective State Legislatures, which, except in Pennsylvania and Georgia, consisted of two branches. The more numerous branch retained the name it

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had borne in colonial times; in Massachusetts and other states, it was the House of Representatives; in Virginia, the House of Burgesses; in North Carolina, the House of Commons; in other states, the House of Assembly. The other branch retained in some states the colonial title of Council; Virginia called it the Senate, an appellation adopted in most of the states.

Members of Assembly were elected generally for a year, but in South Carolina for two years. In every state except Pennsylvania, to be eligible to a seat some property qualification was required—a requisition since generally abandoned. The representatives were chosen in New England by the towns; in the other states, by counties; the distribution being regulated by a general, but not always very precise, regard to the ratio of population. Nowhere, except in Massachusetts, Connecticut, and South Carolina, did the representatives equal a hundred in number.

The second branch of the Legislature, the Senate or Legislative Council, seems to have been designed to fill the place of the former colonial councils, as the conservative branch of the government, the special representative of the wealthier class and of the rights of property. Hence the larger pecuniary qualification generally required for a seat in that body; and, in some states, a higher pecuniary qualification to vote for its members; while, in the apportionment of senators, the amount of taxes paid by the several districts was in several states taken into consideration. In Maryland, the senators were appointed, not directly by the people, but by electors chosen for that special purpose. By the first Constitution of South Carolina, the counselors were selected by the Assembly out of its own body; by the Constitution of 1778, their election was given directly to the people; but that

arrangement was considered by John Rutledge and others quite too democratic. The senatorial term of service in Maryland was five years, in New York and Virginia four years, in several other states two years, in Massachusetts and New Hampshire one year. CHAPTER
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The struggles of colonial times had occasioned great jealousy of executive authority intrusted to the hands of a single magistrate. In New Hampshire, Pennsylvania, and Delaware, the executive authority was exercised by a committee or council, the president of which was also president of the state, but with very little authority beyond any other counselor. The case was similar in Massachusetts previous to 1780. The governor of South Carolina under the second Constitution was wholly deprived of the absolute negative allowed to the president under the first—another stretch of democracy to which Rutledge objected. The other states, including South Carolina under her second Constitution, and Massachusetts after 1780, had governors, who, in general, were chosen by the Legislatures, and required to possess a considerable pecuniary qualification—in South Carolina as high as £10,000. Only New York and Massachusetts adopted the practice, which existed also in Connecticut and Rhode Island under their royal charters, of electing the governor by the people—a practice imitated also in New Hampshire under her second Constitution. Only in Massachusetts, New York, and Maryland did the governors possess any power of appointing executive or judicial officers; and even in those states the assent and approval of a council was required. By the second Constitution of New Hampshire, the president of that state had a similar authority. In Massachusetts alone was the governor intrusted with a qualified negative on the acts of the Legislature. Even in mere ministerial duties,

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the governor's sole office in most of the states, he could only act, except in New York, with the advice and consent of an executive council appointed by the Legislature, generally from its own body. Several of the Constitutions carried their precautions so far as carefully to limit the re-eligibility of this feeble officer.

In all the states, either by the Constitutions or by legislative enactments, the English common law, and all those English statutes hitherto recognized and acted upon in the colonies respectively, were made the basis of state jurisprudence. The force of law was also continued to all existing colonial statutes until repealed or altered, except in South Carolina, where a particular enumeration and re-enactment was made of the colonial statutes intended to be recognized.

All the states, with the exception of Georgia, established or continued some supreme tribunal, authorized to review and correct the decisions of inferior courts. In Georgia, the several county courts each had final jurisdiction, juries being expressly declared by the Constitution to be judges of the law as well as the fact; but a chief justice, appointed for the state, presided in all these courts. In New York, the state Senate, in imitation of the British House of Lords, was made the Supreme Court of Errors, assisted, as in England, by the chancellor and the judges. In New Jersey, the governor and council, as had been the case in colonial times in all the crown colonies, constituted the Court of Appeals. In Virginia, a Court of Appeals was composed of the admiralty and chancery judges, and the judges of the General Court; but the judges of that particular court whose decision was under review did not sit in it. In Maryland and South Carolina, the presiding judges of the District Courts composed a Court of Appeals; but their jurisdic-

tion did not extend to chancery cases. The Supreme Court of North Carolina fulfilled the same functions, as did courts with the same, or nearly the same, titles in Connecticut, Rhode Island, Massachusetts, New Hampshire, Pennsylvania, and Delaware, substantially in all, and in the two former colonies precisely the same with the tribunals of colonial times. CHAPTER
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Chancery jurisdiction, in spite of the opposition made to it by the colonists, who regarded with dread its prolix proceedings and heavy fees, had been introduced into all the crown colonies excepting New Hampshire; and wherever it had been introduced, it was still retained. In New Jersey and South Carolina, the governor was chancellor, as in colonial times. In New York and Maryland, a separate officer was appointed with that title. In Virginia there were several district chancellors. In North Carolina and Georgia, the administration both of law and equity was intrusted to the same tribunals. In Pennsylvania, a limited chancery power was conferred upon the Supreme Court. In Connecticut, the Assembly vested the judicial courts with chancery powers in smaller cases, reserving to itself the decision in matters of more importance. In the rest of New England old prejudices against chancery practice still prevailed, the consequence of which was a restriction for many years to the insufficient system of common law remedies. Even to this day (1853) the courts of Massachusetts, New Hampshire, and Maine possess equity powers only in certain specified cases.

The old scheme of county courts for the adjudication of smaller civil cases, and of Courts of Sessions, composed of the justices of the peace of each county, for the trial of petty crimes, was retained throughout the states, as was also the system of separate tribunals for probate of wills, administration of estates of deceased persons, and guar-

CHAPTER XLIV. dianship of minors—a method introduced during colonial times, and founded on the practice of the ecclesiastical courts in England. The power of granting divorces was, for the most part, retained by the Legislatures, but in some states was conferred on the courts.

The old forms of writs and legal process, the authority of "The State," "The Commonwealth," or "The People," being substituted for that of the king, were still retained in all the states; and, out of a pedantic spirit of imitation on the part of the lawyers, in spite of the efforts of the state Legislatures to give greater simplicity to legal proceedings, the forms and practice of the courts, even subsequently to the Revolution, were made more and more to conform to English technicalities. This spirit on the part of the lawyers, who formed a very influential portion of every state Legislature, proved a serious obstacle to all attempted reforms and simplifications of the law.

1784. Connecticut, however, set the example of requiring the judges to give in writing the reasons of their decisions. Kirby's Reports, published in 1789, containing the Connecticut cases from 1785 to 1788, was the first of a series of American law reports, of which we have now (1853) upward of six hundred volumes.

In Connecticut and Rhode Island the judges were annually appointed by the Assemblies; in Georgia the chief justice was appointed in the same way, the county judges being annually elected by the people. In New Jersey, Delaware, and Pennsylvania, the judges were appointed by the Assembly for a term of seven years. In the other states they were to hold their office during good behavior, the appointment resting in Massachusetts, New York, and Maryland with the governor and council, and in the remaining states with the Legislature. In Virginia, the justices of the peace still retained all the extensive authority

with which they had been vested in colonial times ; and they obtained, besides, the additional prerogative of nominating the candidates to fill vacancies in their own body. The justices of the peace in all the states, besides their criminal jurisdiction borrowed from the English practice, seem also to have been invested with a jurisdiction, introduced during colonial times and peculiar to America, as judges in the first instance for the smallest class of civil cases.

By the Constitution of Georgia and the second Constitution of New Hampshire, the delegates to the Continental Congress were to be elected by the people. In all the other states they were appointed by the Legislatures.

The right of suffrage, upon the contraction or expansion of which the character of governments so greatly depends, was given in New Hampshire, Pennsylvania, Delaware, and South Carolina, to all resident tax-paying freemen. In Pennsylvania, the eldest sons of freeholders, twenty-one years of age, could vote without payment of taxes—a provision borrowed from Rhode Island. In the other states a pecuniary qualification was required, except that in North Carolina resident tax-paying freemen could vote for members of the House of Commons. In Virginia the old colonial practice remained in force ; none could vote except possessors of a freehold of fifty acres or a town lot. A similar freehold was required in North Carolina as a qualification to vote for senators. In New York, none could vote for governor or senators who did not possess an unincumbered freehold worth \$250, nor for members of Assembly unless they had a freehold worth \$50, or paid \$10 annual rent. In Rhode Island the old provision continued in force which confined the right of voting to freeholders possessing a clear landed property of the value of \$134, or their eldest sons. In the other

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CHAPTER XLIV. states, property, whether personal or real, of from \$33 to \$200, sufficed to qualify a voter—qualifications now almost entirely dispensed with.

The provisions of these early constitutions on the subject of religion betrayed a curious struggle between ancient bigotry and growing liberality. On the eve of the Revolution, Congregationalism still continued the established religion in Massachusetts, New Hampshire, and Connecticut. The Church of England enjoyed a similar civil support in all the southern colonies, and partially so in New York and New Jersey. It was only in Rhode Island, Pennsylvania, and Delaware that the equality of all Protestant sects had been acknowledged—an equality in the two latter colonies extended also to the Catholic religion, the public exercise of which was illegal in most or all the others, Catholic priests being liable, in Massachusetts and New York, to perpetual imprisonment, or even death.

The Constitution of Massachusetts seemed to guarantee entire freedom of religious opinions and the equality of all sects; yet the Legislature was expressly authorized and impliedly required to provide for the support of ministers, and to compel attendance on their services—a clause against which the people of Boston protested and struggled in vain. The Legislature also took upon itself to subject to heavy penalties any who might question received notions as to the nature, attributes, and functions of the Deity, or the divine inspiration of any book of the Old or New Testament—reviving, in fact, the old colonial laws against blasphemy. Similar laws remained in force in Connecticut, and were re-enacted in New Hampshire. Favored by the Legislature, and still more so by the courts, Congregationalism continued to enjoy in these three states the prerogatives of an established church, and to be supported by taxes from which it was not easy

for Dissenters to escape, nor possible except by contributing to the support of some other church on which they regularly attended. The ministers, once chosen, held their places for life, and had a legal claim for their stipulated salaries, unless dismissed for causes deemed sufficient by a council mutually chosen from among the ministers and members of the neighboring churches.

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The Church of England, the great majority of whose members were Loyalists, lost by the Revolution the establishment it had possessed in the southern colonies, and the official countenance and the privileges it had enjoyed in New York and New Jersey. But it retained its parsonages, glebe-lands, and other endowments, which, in some of the states, and especially in the city of New York, were by no means inconsiderable.

By the second Constitution of South Carolina, the "Christian Protestant religion" was declared to be the established religion of that state. All persons acknowledging one God, and a future state of rewards and punishments, were to be freely tolerated; if, in addition, they held Christianity to be the true religion, and the Old and New Testaments to be inspired, they might form churches of their own, entitled to be admitted as a part of the establishment. The election of their own ministers was secured to all the churches, which were to be entirely supported out of their own funds, and the voluntary contributions of their members.

The Constitution of Maryland contained an authority to the Assembly to levy a "general and equal tax" for the support of the Christian religion, to be applied to the maintenance of such minister as the tax-payer should designate, or, if he preferred it, to the support of the poor; but no attempt was ever made by the Maryland Assembly to exercise the authority thus vested in it.

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The Constitutions of New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, and Georgia expressly repudiated the compulsory system by providing that no man should be required to attend any church, or pay any church rate or tax against his will.

No mention of the subject of religion was made in the Constitution of Virginia; but the question came up in the first Assembly. By the influx of Scotch-Irish Presbyterians and other dissenters, especially Baptists, into the upper counties, the Episcopalians had become a minority of the people. But they still had a majority in the Assembly; and it was only after warm debates that Jefferson and George Mason procured the passage of a law repealing all the old disabling acts, legalizing all modes of worship, releasing Dissenters from parish rates, and suspending their collection until the next session—a suspension made perpetual in 1779, and the more readily, as most of the clergymen of the Church of England were Tories. By the Religious Freedom Act of 1785 all parish rates were abolished, and all religious tests abrogated. This act, of which the passage was procured by the earnest efforts of Jefferson and Madison, seconded by the Presbyterians, Baptists, and other dissenters from the late Established Church, seemed to them the more imperatively called for in consequence of an attempt the year before, supported by Washington and Henry, and nearly successful, to pass a law in conformity to the ecclesiastical system of New England, compelling all to contribute to the support of some minister.

By the Constitutions of New York, Delaware, and Maryland, priests, or ministers of any religion, were disqualified to hold any political office. In Georgia, they could not be members of Assembly. All gifts to pious uses were absolutely prohibited by the Constitution of

Maryland, except grants of land, not exceeding two acres each, as sites for churches and church-yards. CHAPTER XLIV.

In several of the states religious tests were still kept up, and they were even to be found in some constitutions which, in other respects, were among the most liberal. The old prejudice against the Catholic religion could not so easily be got rid of. In New Hampshire, New Jersey, North Carolina, South Carolina, and Georgia, the chief officers of state were required to be Protestants. In Massachusetts and Maryland, all office-holders must declare their belief in the Christian religion; in South Carolina they must also believe in a future state of rewards and punishments; in North Carolina and Pennsylvania, they were required to acknowledge the inspiration of the Old and New Testaments; and in Delaware, to believe in the doctrine of the Trinity. Though somewhat softened from the harshness of former times, religious bigotry and intolerance were by no means extinct. The French alliance had, however, a powerful effect in diminishing the deep-seated prejudices against Catholicism, and Rhode Island presently set an example of liberality in this particular by repealing the law, so contrary to the spirit of her charter, by which Catholics were prohibited from becoming voters. The old colonial laws for the observation of Sunday continued in force in all the states. 1781.

Only the Constitutions of Pennsylvania, North Carolina, Massachusetts, Georgia, and the second one of New Hampshire, made any mention of the all-important subject of education; and, except in Massachusetts and New Hampshire, the clauses on that subject, by which the Legislatures were required to establish schools for general instruction, remained, in fact, a dead letter.

The College of Pennsylvania being in the hands of Episcopalians strongly suspected of Toryism, the property

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CHAPTER and privileges of that institution were transferred by act
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1779. poration erected and endowed by the Legislature. After
the triumph of the anti-constitutional, or, as they called
themselves, the Republican party, this act of transfer was
repealed, and for some years both institutions went on to-
gether ; but they were reunited again in 1791. Dick-
inson College, at Carlisle, was incorporated in 1783, and
Franklin College, at Lancaster, in 1787. The latter has
ceased to exist.

Jefferson procured the abolition of the two professor-
ships of divinity, and a third for the Greek and Latin lan-
guages, in the College of William and Mary, and the sub-
stitution for them of professorships of anatomy, medicine,
and chemistry ; law and police ; and modern languages.
But his attempt to introduce a system of common schools
did not succeed. An establishment for education in the
district of Kentucky, endowed with confiscated lands, was
incorporated in 1783 by the name of the Transylvania
Seminary ; the same year the Hampden Sidney Acade-
my, established by the Presbyterians in 1774, received
a charter as a college.

The Constitution of Massachusetts dignified the college
at Cambridge with the title of University, and guaran-
teed its property and privileges. A medical school was
added to it in 1782. The same Constitution charged upon
the Legislature to cherish the interests of literature and
the sciences, " especially the public schools and grammar
schools in the towns." These town schools, and the same
was the case in New Hampshire and Connecticut, and
also with the county schools of Maryland, were continued
on their old colonial footing. It was only these four states
that could boast any thing like a system of public edu-
cation, and many years elapsed before their example was
imitated.

The project of a college for Maryland, delayed by the state of public affairs and by disputes between the inhabitants of the eastern and western shores as to its site, was presently taken in hand by the Assembly, an act being passed for erecting the county school at Chester, in Kent county, into Washington College, "in honorable and perpetual memory of his Excellency General Washington, the illustrious and virtuous commander-in-chief of the armies of the United States." By a subsequent act, a perpetual grant was made to this college of £1250, current money (\$4166.25), annually, to be paid out of marriage, tavern, and peddlers' licenses, and fines and forfeitures accruing on the eastern shore. By another act of the same session, provision was made for establishing another college for the western shore at Annapolis, to be called St. John's, to which was granted a similar endowment of £1750 (\$5832.75), annually, the two colleges to constitute together the University of Maryland. These colleges still exist, but with the changing policy of the times they have ceased to enjoy the "perpetual grant" voted by the Assembly.

Through the procurement of Hamilton, the New York Assembly presently passed an act erecting a board of twenty-one members, called "Regents of the University of the State of New York," to which were intrusted the visitation and oversight of all the schools and colleges that were or might be established in the state—a board afterward imitated in France, and which still continues to exist.

Few matters of municipal law have a more direct bearing upon politics than the descent of landed property. Upon this point all the state constitutions were silent except that of Georgia, which prohibited entails, and provided for the equal distribution among all the children,

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or other heirs in equal degree, of the landed as well as personal property of intestates. By the law, as it stood at the period of the Revolution, in New England, New Jersey, Pennsylvania, and Delaware, the Mosaic rule prevailed, providing, indeed, for a distribution among the children, but giving to the eldest son a double share. In New York and the southern colonies, the English system of primogeniture was in force. But the example of Georgia was soon imitated. North Carolina adopted the rule of equal distribution in 1784; Virginia followed in 1785; New York and Maryland in 1786; and South Carolina in 1791. In 1789 the Legislatures of New Hampshire and Massachusetts deprived the eldest son of his double share; Connecticut did the same in 1792; Pennsylvania and Delaware in 1794; and Rhode Island in 1796. Entails also were every where done away with, or the means of cutting them off made easy.

In the late crown colonies the royal quit-rents were abolished. The states assumed the ownership of all ungranted lands within their limits, or, in case those lands were occupied by Indians, the exclusive right of pre-emption. In Pennsylvania, by an act of Assembly of 1779, all the proprietary claim of the Penn family to ungranted lands, or to quit-rents, was vested in the state, reserving, however, to the late proprietaries, all their private property, including the lands heretofore set out and appropriated as proprietary tenths or manors, with the quit-rents accruing therefrom. The Assembly also, as a manifestation of "their liberality and remembrance of the enterprising spirit which distinguished the founder of Pennsylvania," granted to his heirs and representatives, late proprietaries of the province, the handsome sum of £130,000 sterling, \$524,000, payable in installments, to commence one year after the peace. Besides the amount thus vet-

ed and faithfully paid, the Penns received a large indemnity, also, from the British government. CHAPTER XLIV.

So far as American indemnity was concerned, Henry Harford, the infant proprietary of Maryland, was less lucky. In 1780, the Legislature of that state abolished the quit-rents, and declared the proprietary estates forfeited; nor was any attention ever paid to the claim for indemnity subsequently set up. Harford's illegitimate birth, and the circumstance that he held by will and not by descent, disinclined the Marylanders to regard him as the representative of the Calverts. On the expiration of Lee's term of office, William Paca was elected governor of 1782 Maryland.

Most of the peculiarities in the several state governments as first established can be traced back to colonial times. There were some, however, purely theoretical in their origin, which, though since abandoned, deserve to be noticed. In Pennsylvania, two persons from each county were to be chosen every seven years to act as a "Council of Censors," with power to investigate all breaches of the Constitution, to send for persons and papers, to pass censures, and ordain impeachments. It was also provided that no person should be a member of Assembly more than four years in seven. The Constitution of New York established a "Council of Revision," consisting of the governor, chancellor, and judges of the Supreme Court, to which were to be submitted all bills about to pass into laws. If objected to by this council, a majority of two thirds in both branches of the Legislature was required to pass them. The same Constitution provided for a "Council of Appointment," to consist of four senators, to be annually selected by the Assembly, one from each of the four senate districts into which the state was divided. All nominations to office made

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by the governor required the sanction of this council. By the Constitution of Georgia, all mechanics, even though destitute of pecuniary qualification, were entitled to vote by virtue of their trades. All persons privileged to vote, and failing to do so, were subject to a penalty of £5—a provision borrowed, indeed, from the colonial legislation of Maryland and Virginia, but specially intended to operate, it is probable, on the disaffected, so numerous in that state.

It is apparent from this review that the Revolution made no sudden nor violent change in the laws or political institutions of America beyond casting off the superintending power of the mother country; and even that power, always limited, was replaced to a great extent by the authority of Congress.

The most marked peculiarity of the Revolution was the public recognition of the theory of the equal rights of man—a theory set forth in the Declaration of colonial rights made by the first Congress at Philadelphia; solemnly reiterated in the Declaration of Independence; and expressly or tacitly recognized as the foundation principle of all the new governments. But this principle, brought forward for a special purpose, encountered in existing prejudices and institutions many serious and even formidable obstacles to its general application, giving rise to several striking political anomalies. Some of these anomalies have been already pointed out; the most startling of all was domestic slavery, an institution inconsistent not only with the equal rights of man, but even with the law of England, as solemnly decided in the case of *Somerset* four years before the Declaration of Independence; an institution, therefore, which the colonial Legislatures and courts had no capacity to legalize, but which, at the commencement of the struggle with the

mother country, existed nevertheless as a matter of fact in every one of the United Colonies. In half the Union it still exists, preventing, more than all other causes, that carrying out of the principles of the Revolution, that assimilation and true social union toward which the states have constantly tended, but which they are still so far from having reached.

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That this anomaly was felt at the time is clearly enough evinced by the fact that no distinct provision on the subject of slavery appears in any state Constitution except that of Delaware, which provided "that no person hereafter imported from Africa ought to be held in slavery under any pretense whatever;" and that "no negro, Indian, or mulatto slave ought to be brought into this state for sale from any part of the world."

The legal proceedings mentioned in a former chapter as having been commenced in Massachusetts prior to the Revolution to test the legality of slavery there, though resulting in favor of the claimants of freedom, failed, however, to produce a general emancipation. Some attempts made at the commencement of the Revolution to introduce the subject into the provincial Congress of Massachusetts were defeated; and that body seemed to recognize the legality of slavery by a resolution that no negro slave should be enlisted into the army. In 1777, a prize ship from Jamaica, with several slaves on board, was brought into Salem by a privateer. The slaves were advertised for sale; but the General Court interfered, and they were set at liberty. The declaration, presently inserted into the Massachusetts Bill of Rights, that "all men are born free and equal," was held by the Supreme Court of that state to prohibit slavery. So it was decided in 1783, upon an indictment for assault and battery against a master for beating his alleged slave. A

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similar clause in the second Constitution of New Hampshire was held to guarantee personal freedom to all born in that state after its adoption.

An act of the Pennsylvania Assembly of 1780; passed principally through the efforts of George Bryan, and a little prior in date to the ratification of the Constitution of Massachusetts, forbade the further introduction of slaves, and gave freedom to all persons thereafter born in that state. Moderate as it was, this act did not pass without a good deal of opposition. Several members of Assembly entered a protest against it, acknowledging, indeed, "the humanity and justice of manumitting slaves in time of peace," but denouncing the present act as "imprudent" and "premature," and likely to have, by way of example, a most dangerous effect on the southern states, whither the seat of war seemed about to be transferred. In 1784, laws similar to that of Pennsylvania were enacted in Connecticut and Rhode Island.

The Virginia Assembly, on the motion of Jefferson, prohibited, in 1778, the further introduction of slaves. In 1782 the old colonial statute was repealed, which forbade emancipations except for meritorious services, to be adjudged by the governor and council. For a period of twenty-three years, under the operation of this act, private emancipations were very numerous, and but for the subsequent re-enactment of restrictions upon it, the free colored population of Virginia might now have exceeded
1783. the slaves. Maryland followed the footsteps of Virginia both in prohibiting the further introduction of slaves and in removing the restraints on emancipation.

That feeling which led in New England and Pennsylvania to the legal abolition of slavery, was strongly responded to by the most illustrious and enlightened citizens of Maryland and Virginia. Jefferson denounced ✓

the whole system of slavery, in the most emphatic terms, as fatal to manners and industry, and endangering the very principles on which the liberties of the state were founded—"a perpetual exercise of the most unremitting despotism on the one part, and degrading submission on the other." Similar sentiments were entertained and expressed by Patrick Henry. "Would any one believe," he wrote, "that I am a master of slaves of my own purchase? I am drawn along by the general inconvenience of living here without them. I will not—I can not justify it! I believe a time will come when an opportunity will be offered to abolish this lamentable evil. Every thing we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot, and an abhorrence of slavery." Washington avowed to all his correspondents "that it was among his first wishes to see some plan adopted by which slavery may be abolished by law." But these generous sentiments were confined to a few liberal and enlightened men. The uneducated and unreflecting mass did not sympathize with them. Jefferson, in his old age, in a letter on this subject, says, "From those of a former generation, who were in the fullness of age when I came into public life, I soon saw that nothing was to be hoped. Nursed and educated in the daily habit of seeing the degraded condition, both bodily and mental, of those unfortunate beings, not reflecting that that degradation was very much the work of themselves and their fathers, few had yet doubted but that they were as legitimate subjects of property as their horses and cattle. The quiet and monotonous course of colonial life had been disturbed by no alarm and little reflection on the value of liberty, and when alarm was taken at an enterprise on their own, it was not easy to carry them the whole length

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of the principles which they invoked for themselves In the first or second session of the Legislature after I became a member, I drew to this subject the attention of Colonel Bland, one of the oldest, ablest, and most respected members, and he undertook to move for certain moderate extension of the protection of the laws to these people. I seconded his motion, and, as a younger member, was more spared in the debate; but he was denounced as an enemy to his country, and was treated with the greatest indecorum." With the advance of the Revolution the sentiments of Jefferson made a certain progress, resulting in the prohibition of the slave trade and the freedom of emancipations, already mentioned; yet, though the Constitution of Virginia declared life, liberty, and property to be unalienable rights, no legal restraint was placed upon the exorbitant and despotic power hitherto exercised over those held as slaves; and Washington, in 1786, complained in a letter to La Fayette that some "petitions for the abolition of slavery, presented to the Virginia Legislature, could scarcely obtain a hearing."

New York and New Jersey followed the example of Virginia and Maryland in prohibiting the further introduction of slaves—a prohibition extended to the domestic as well as to the African slave trade.

The same generous sentiments had penetrated also into North Carolina, especially among the Quaker population; but the legislators of that state did not fully sympathize with them. Complaining of the frequency and danger of freedom given to slaves, the Assembly of 1777 re-enacted the old restrictive law on the subject, with this modification, that, instead of the governor and council, the consent of the County Court was made necessary to emancipations; and all negroes emancipated without that consent were ordered to be resold into slavery. Yet in

1786, by an act which declared the introduction of slaves into the state to be "of evil consequences and highly impolitic," a duty of £5 per head was imposed on all future importations. South Carolina and Georgia omitted to follow the example of the other states in enacting laws to prevent or restrict the further introduction of slaves. So long, however, as the war lasted, an effectual stop, so far as importations from Africa were concerned, was put to that detestable traffic. Congress, indeed, never abrogated that part of the American Association by which the African slave trade was totally renounced.

No mention was made in any state Constitution of the indented servants or "redemptioners," so numerous a class in several of the states. The war of the Revolution put a stop to their importation; nor was it ever revived again to any considerable extent. But in Connecticut, even within the present century, the law still remained in force, by which debtors unable to meet the claims against them might be sold into temporary servitude for the benefit of their creditors.

While the states claimed, as to their internal affairs, to be independent sovereignties, as to every thing of common interest, especially the prosecution of the war with Great Britain, they acknowledged in Congress a super-eminent and controlling authority. To determine the relative powers of Congress and the states, and to fix the terms and conditions of the confederation, was a matter of no little importance and of equal difficulty. As early as 1775, a project of colonial union had been brought forward in Congress by Franklin. When independence had been finally resolved upon, a committee of one from each state was appointed to report the draft of a confederation. This committee, among whose members were Samuel Adams, Sherman, Dickinson, and John Rutledge, soon re-

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The proposed plan, thus recommended, was considered during the ensuing winter by the state Legislatures, and was agreed to by New Hampshire, New York, North Carolina, and Virginia without objection. The other states proposed various amendments, all of which were rejected by Congress; but the articles, notwithstanding, were presently ratified by all the states except New Jersey, Delaware, and Maryland. New Jersey had sent in a series of judicious objections, but that state, and Delaware soon after, by a very earnest letter from Congress, were persuaded to ratify. Maryland, however, still stood out, and in an able paper justified herself in doing so. No scruples seem to have been felt in any of the states as to the right of a majority of the people to establish such state government as they pleased, and to compel the minority

to submit to it by pains and penalties, even death itself. But the same doctrine was not applied to the states in their corporate capacity. Neither a majority of the states, nor a majority of the people of all the states, were thought to have any right to bind the minority without their special consent; and the refusal of Maryland to ratify the articles kept them, during two years longer, from going into formal effect. CHAPTER
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In framing these articles, and procuring for them the assent of the states, three principal points of controversy had arisen: first, as to the mode of voting in Congress—whether by states, or according to wealth and population; second, as to the basis according to which troops should be raised and taxes apportioned; and, third, as to the disposition of the vacant lands at the West.

Virginia, the most populous of the states, and centrally situated, desiring to establish a truly national government, and to secure for herself a weight in it proportionate to her numbers and extent, wished the vote in Congress to be apportioned according to population; but in this she did not find a second. The articles, as adopted, not only retained the vote by states, as provisionally established by the first Congress at Philadelphia, but in all more important matters the assent of nine states was required.

It had been proposed, in the original draft of the articles, that taxes should be apportioned according to population. The Southern states objected that slaves were not equally productive with freemen. John Adams argued, in reply, that the fishermen of Massachusetts were no better, in substance, than slaves to their employers. The value of buildings and cultivated lands was finally substituted. This, however, required an appraisement, to the fair execution of which so many serious obstacles were opposed that it was never carried into effect. Meanwhile

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provisional apportionments were resorted to, an account of receipts and advances being kept with each state, in view of a final settlement, to take place when the quotas should be definitively ascertained. Troops were to be apportioned according to the number of white inhabitants.

But the great stumbling-block in the way of the confederation was the question of the Western lands. New Hampshire, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland, six out of the thirteen states, had boundaries exactly defined. Massachusetts, Connecticut, Virginia, and the Carolinas, extended under their charters to the Pacific; or to the Mississippi, since that river had been established as the British western boundary. Under the proclamation of 1763, annexing to Georgia the country west of the Altamaha and north of Florida, that state also claimed to extend to the Mississippi; and so did New York, under color of certain alleged acknowledgments of her jurisdiction made during colonial times by the Six Nations, the conquerors, it was pretended, of the whole western territory on both shores of Lakes Ontario and Huron, and both banks of the Ohio, as far south as the Cumberland Mountains.

By the states having no special western claims, it was maintained that all that vast western territory, as it must needs be wrested from Great Britain by joint efforts, so it ought to be a joint property. The immediate pecuniary value of those distant lands was greatly overrated. The claimant states, looking forward to great revenues and the speedy payment of their debts, as well as to extension of their inhabited territory, anxiously upheld both their right of jurisdiction and their property in the soil; while the landless states regarded with jealous eyes the future overflowing treasuries as well as the extensive limits of their neighbors. After much debate, the claimant

states carried the day by the insertion of a provision into the Articles of Confederation that no state should be deprived of territory for the benefit of the United States, a provision to which all the non-claimant states, except Maryland, reluctantly consented. She made a determined stand, steadily refusing her assent to the confederation without some guarantee that the equitable right of the Union to these western regions should be respected.

New York, whose claim was the vaguest and most shadowy, led the way by giving a discretionary power to her delegates in Congress to cede to the Union that portion of her claims west of a line drawn through the westernmost extremity of Lake Ontario. The other claimant states were urged by Congress to follow this example, under a guarantee that the lands so ceded should be disposed of for the common benefit, and, as they became peopled, should be formed into republican states, to become members of the Union on the same footing with the others. Thus urged, Connecticut offered to cede all her claim to the unsettled territory west of Pennsylvania, excepting, however, a broad tract south of Lake Erie and immediately adjoining Pennsylvania, since known as the Connecticut Reserve. The terror of invasion, and the hope that the adoption of the Articles of Confederation might inspire some energy into the flagging Union, induced the Assembly of Virginia, just before they adjourned from Richmond on the approach of Arnold, to cede to the United States all claim to the territory northwest of the Ohio; but this cession was clogged by requiring a guarantee of the right of Virginia to the remaining territory east of the Mississippi, and north of 35° 30' of north latitude. The New York delegates presently exercised the discretion with which they had been clothed, by executing a deed to the United States of the territory

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west of the line above mentioned ; reserving, however, a right of retraction, unless the same guarantee were given to New York as to any other state making cessions. The same day, the delegates from Maryland, authorized to do so by an act of Assembly passed immediately after the Virginia cession, gave their signatures to the Articles of Confederation, which, being thus ratified by all the states, became henceforth the law of the Union. The question of the western lands remained, however, still unsettled, none of the proposed cessions having yet been accepted by Congress.

During the long period while the Articles of Confederation had remained under debate, Congress, without any express authority, and relying on the tacit assent of the states, had continued to exercise the same extensive powers so promptly and so resolutely assumed at the commencement of the war. So long, indeed, as the unimpaired credit of the Continental paper gave free command of money, Congress had occupied a position of great power and dignity, supporting the Continental army out of its own resources, and granting aid, from time to time, to the suppliant states. The reserve in which all its proceedings were wrapped up added also a weight to its authority. Congress sat with closed doors ; secrecy was enjoined ; no reports of debates were allowed. The official journal was published, indeed, from month to month, but that formal record threw little light on the parties and factions, the personal motives, and local prejudices and interests by which every such assembly is always more or less agitated, and which never fail greatly to lower the character and dignity of every public body in the eyes of those best acquainted with the secret springs of its action. This reserve, which veiled from cotemporary eyes the weaknesses of Congress, has led, also, to exaggerated historical

estimates of the disinterestedness and public spirit of those times; estimates which detract not a little from the real magnitude of the American Revolution, by giving the idea of a spirit of union and self-sacrifice that did not exist, and which cut off one chief source of intelligent admiration of the actors in it by diminishing the apparent difficulties they had to overcome. Superhuman heroism being admitted, the accomplishment of any object becomes easy enough; the really difficult, the truly admirable thing, is to accomplish great objects by merely human means.

The Congress of the Confederation had very little resemblance to our present Congress under the federal Constitution. It was seldom, after the first three or four years, that all the states were simultaneously represented. The number of members present did not often amount to thirty. There was a vast deal of business to be done, much of it of an executive character; in the absence of reporters and spectators, there was little stimulus to set speech-making, and the debates most generally assumed a conversational tone. The members were paid by the states they represented; but, during the occupation of Georgia and South Carolina by the British, the delegates from those states received an allowance from the federal treasury. A house was provided at the public charge for the president of Congress, and the expenses of his household were paid in the same way. Though without power or patronage, he was understood to be the personal representative of the sovereignty of the Union, and the ceremonial of his household was regulated on that idea. Filled successively by Randolph, Hancock, Laurens, and Huntington, that office next devolved on Thomas M'Kean, who sat in Congress as a delegate from Delaware but who held also, at the same time the office of

1781.
July 10

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CHAPTER XLIV. chief justice of Pennsylvania. M'Kean's duties in that capacity soon obliged him to resign; and, at the organization of Congress under the newly-ratified Articles of 1781. Confederation, John Hanson, of Maryland, was elected president.

Both in France and America a great deal had been expected, though without the least reason for it, from the formal ratification and adoption of the Articles of Union. What could they add to the influence of Congress or the strength of the Confederacy? Destitute of money, indispensable alike as the sinews of war and the support of civil authority, and, notwithstanding its recent repudiation of the old tenor, still overwhelmed with debts of which it could not pay even the interest, Congress had lost forever the mainspring of its power. Of the fifteen millions called for in specifics and specie since the abandonment of paper issues, only a very small amount had been paid. The total disbursements from the federal treasury for the year 1781, even including the sums raised by the sale of bills on France, amounted to less than two millions of dollars—plain proof of the state of exhaustion to which the Confederacy had been reduced.

Instead of increasing the authority of Congress, the Articles of Confederation tended rather to limit it. Sessions for the future were to be annual, to commence in November; the delegates to be appointed for a year, but liable at any time to be recalled, and incapacitated to serve more than three years in six, or to hold any federal office of emolument. On all important points, the assent of nine states was required. What added to the embarrassment, and proved a serious impediment to the dispatch of business, no state was to be considered as voting unless represented by at least two delegates.

In relation to peace, war, and foreign intercourse, Con-

gress possessed, under the Articles of Confederation, most of the powers now exercised by the federal government, but without any means of raising a revenue independent-
 ly of state action except by paper issues and loans. But who would trust a government without powers of taxation, the payment of whose debts was dependent on the voluntary action of the several states? Even independently of this objection, the resources of loans and paper money were already quite or almost exhausted. Congress might make requisitions on the states; but, as it had no means to enforce them, these calls upon communities already overwhelmed with debts and expenses of their own, the oftener they were made the less they were heeded. The only substantial addition made by the Articles of Confederation to the powers of Congress, consisted in the authority to pass ordinances on the subject matters within its control.

The inefficiency of the central government had already been the subject of complaint in an able paper from the Legislature of New York; and no sooner were the Articles of Confederation ratified, than a proposition was brought forward in Congress to amend them by authorizing that body to employ the military force of the Union to compel the payment of requisitions. This dangerous and desperate proposition received the support of Madison and others, representatives of states suffering under invasion; but, apart from all other objections to it, how could it avail when all the states were alike delinquent?

Taught by experience the necessity of some responsible head, Congress had gradually modified the system originally adopted of parceling out the executive administration among committees of members. Boards of war and finance had been composed, as we have seen, in part

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of permanent commissioners not belonging to Congress, and in the same spirit, a resolution had recently passed for placing each of the four great departments under a single head, a change alike demanded by considerations of economy, responsibility, and dispatch. The appointment of Morris as minister of finance has been mentioned already. The marine department had been offered to McDougall, who had been a seaman in his youth; but, as he was unwilling to resign his commission in the army, the management of naval matters was presently transferred to the superintendent of finance.

1781
Sept.

The navy, indeed, was now reduced to a small matter. Of the thirteen frigates ordered to be built by Congress, two had been destroyed in the Hudson and three in the Delaware, without getting to sea. The remaining eight, together with most of the purchased vessels, had fallen into the hands of the enemy, some at Charleston, some at Penobscot, and others on the high seas. The *America*, ship of the line, the only one ever finished of those authorized by Congress, was presented to the King of France, to supply the place of a similar French ship lost by an unlucky accident in Boston harbor.

1782.

The duty of hearing appeals in prize cases from the state courts, performed for several years by a standing committee of Congress, had been finally transferred to an admiralty court of appeals, consisting of three judges.

1780.
May.

This authority was not exercised without some sharp conflicts with the state judicatories. In the famous case of *Olmstead*, the obstinate resistance of the state authorities of Pennsylvania for the time completely nullified the decree of the Federal Court of Appeals, which was not carried into effect till near thirty years after.

1781.
August.

After a good deal of electioneering delay, the department of foreign affairs was intrusted to Robert R. Liv-

ington, and that of war to General Lincoln. For the latter Sullivan and Schuyler had both been candidates. CHAPTER XLIV.

As a means of facilitating his financial operations, and, to some extent, of anticipating income, Morris brought forward a scheme for a national bank; and this scheme being approved by Congress, the BANK OF NORTH AMERICA was presently incorporated by ordinance, to continue in force for ten years. The capital at first was \$400,000, afterward increased to two millions. Its notes, receivable for all federal dues, were also payable at the bank in specie on demand, the first American paper money convertible into coin at the pleasure of the holders. Established at Philadelphia, the Bank of North America became the model of the two subsequent national banks, and, indeed, of all our banking institutions afterward, and still so numerous. October. 1781. Dec. 31.

Having held the difficult and trying situation of President of Pennsylvania for three years, the utmost constitutional term, Reed had been succeeded by William Moore, the late vice-president. At the next election, the anti-constitutional party, triumphant for two years past in the Assembly, chose as president Dickinson, who had been for several years a citizen of Delaware, and lately elected president of that province as Rodney's successor. As the power of Congress to create a corporation was questioned, a charter for ten years, with a monopoly of banking privileges, was granted by the Assembly of Pennsylvania to Morris's bank—a grant which became a subject of violent controversy between the two parties in that state. When the Constitutional party again triumphed, the charter was repealed. The other party gaining the upper hand, it was subsequently re-enacted, but without the monopoly clause. 1781. Nov. 1782. Nov. 1783. April 1785 1787

Massachusetts, in accordance with a request made by

CHAPTER XLIV. Congress to all the states, authorized the establishment of a branch. This part of the scheme was not carried out; but independent banks, on the same principle, were soon established at Boston and New York.

The Articles of Confederation provided for the settlement of territorial disputes between the states by a "Federal Court," to be composed of judges selected by the litigant parties, and commissioned by Congress.

The boundary between Virginia and Pennsylvania, after again threatening a violent collision, had been settled by mutual agreement. The Pennsylvanians had claimed that, west of Maryland, their boundary should be the thirty-ninth degree of north latitude. The Virginians insisted on the fortieth degree. It was finally agreed that Mason and Dixon's line should be continued to a point five degrees west from the Delaware; and, as a western boundary exactly parallel to the Delaware could hardly be run, that a due north line drawn from that point should constitute the western boundary of Pennsylvania. Under this arrangement, Pittsburg returned again to the Pennsylvania jurisdiction.

As no similar arrangement could be made with Connecticut, Pennsylvania presently applied to Congress for a "federal court" to decide the territorial right to Wyoming, and to that northern half of Pennsylvania claimed by Connecticut as within her chartered limits. A court of

five judges being at length constituted, presently met at Trenton, and, after a six weeks' hearing of the case, gave its unanimous decision in favor of Pennsylvania. This decision Congress confirmed, and Connecticut submitted to it. The town and county of Westmoreland, organized under the Connecticut jurisdiction, ceased to exist, but the people of Wyoming continued very uneasy, and more than once were on the point of rebellion against the new.

ly-acquired jurisdiction of Pennsylvania, which was exercised with some harshness, especially in refusing to recognize the land titles claimed under Connecticut. CHAPTER XLIV.
1784.

The case of Vermont, and the claim of New York to that territory, several times brought before Congress, had excited much interest there, not always unmixed with alarm. We have seen that, just previous to Burgoyne's invasion, the Green Mountain Boys had taken the decisive step of declaring Vermont an independent state, framing a constitution, and applying to Congress for admission into the Union. Through the efforts and influence of the New York delegates, that application was rejected; but the people, nothing daunted, presently organized themselves under their Constitution, and elected Thomas Chittenden as governor. Chittenden was a man of decided ability; but such was the simplicity of manners in Vermont, that, though governor of the state, which office he continued to hold by annual elections for many years, he still continued his former occupation of farmer and inn-keeper. To keep an inn was hardly thought a mean occupation in America. Three American generals, Putnam, Weedon, and Sumner, besides numerous inferior officers, had been drawn from that calling. 1778.
March.

Besides the dispute with New York, Vermont presently became involved in a controversy with New Hampshire. Sixteen of the newly-settled townships on the east bank of the Connecticut, willing to escape the heavy imposition of taxes which the progress of the war had made necessary, applied to be received as part of Vermont. These applicants, after some hesitation, were adopted into the new state. The pretense was, that, by Mason's grant, New Hampshire extended only sixty miles inland. But the hope of admission into the Union was not yet abandoned; and as Congress disapproved of this proceeding, June.

CHAPTER XLIV. and sent a committee to inquire into it, the connection with the New Hampshire towns was presently dissolved.

1779. An ineffectual attempt was then made by the towns
June. on both banks of the river to constitute themselves into a state, by the name of NEW CONNECTICUT. New Hampshire, in retaliation, revived her old claim to the territory of Vermont. Suspecting a connivance between New Hampshire and New York to divide the territory between them, Massachusetts, to counterwork this scheme, put in a claim also to the southern part of Vermont, reviving that interpretation of her charter ruled against her by the British privy council in her controversy with New Hampshire, under which she had claimed as her northwestern boundary a due west line from the junction of the two principal branches of the Merrimac.

Collisions having taken place between the authorities of Vermont and the adherents of New York, who formed a considerable minority in the southwestern townships,
Sept. Congress recommended that all the claimants should refer their pretensions to her decision. New York and New

1780. Hampshire consented to do so; Massachusetts, anxious
Sept. for the independence of Vermont, refused to come into the reference, fearing it might end in the partition of the new state between the other two claimants; and, as the Articles of Confederation still remained unratified, Congress, as yet, had no compulsory powers in the matter.

1781. Vermont presently began to act on the offensive. The New Hampshire towns on the east bank of the Connecticut were again received as a part of the new state, and along with them all the new townships of New York east of the Hudson and north of the Massachusetts line. Negotiations, the management, and, indeed, the knowledge of which was confined to Chittenden and a few others, were also entered into with the British authorities in

Feb.
May.

Canada, with the double object of guarding against in-
 vasion from that quarter, and of operating on the fears
 of Congress. Becoming known through intercepted let-
 ters and otherwise, these negotiations occasioned no little
 alarm and anxiety. Congress consented, in consequence,
 to a conference between a committee of their body and
 certain agents of Vermont authorized to exhibit her
 claims to independence; and that conference produced a
 resolution of Congress, which indirectly but substantial-
 ly promised that, if Vermont would relinquish her late
 encroachments on New Hampshire and New York, she
 should be recognized as an independent state, and ad-
 mitted into the Union.

Vermont at first declined to accede to this proposition,
 and proposed a reference instead. New York protested
 against it as exceeding the powers of Congress, and sent
 troops to re-establish her authority over her revolted town-
 ships on the Hudson. New Hampshire threatened simi-
 lar proceedings. Many of the annexed townships were
 divided in opinion; officers appointed by different au-
 thorities attempted to exercise jurisdiction; civil war
 seemed to be impending. Moved by this alarming pros-
 pect, and especially by a letter which Washington ad-
 dressed to Governor Chittenden, the Legislature of Ver-
 mont, in the absence of the members from the New
 Hampshire towns, dissolved the connection with the an-
 nexed townships, and retired within their original limits.

Having thus complied with the conditions required,
 Vermont claimed the promised admission into the Union.
 But peace with Great Britain was now regarded as cer-
 tain; the immediate danger was over, and the influence
 of New York again became predominant. To strengthen
 her case, she passed an act of indemnity and oblivion,
 and another confirming all existing grants of land in Ver-

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of N. Y. or mont, by whomsoever made. The application of Vermont to Congress was not acted upon; she lost ground in that body; and presently was called upon to make restitution to the banished partisans of New York—a demand accompanied with threats which Congress, however, had no means to carry into execution.

Free from the burden of the Continental debt and the perpetual calls of Congress for money, and secured by the rapid increase and hardy character of her population against any attempt at force on the part of New York, Vermont, after the peace, felt little anxious for admission into the Union. The opposition of New York to that admission was strongly supported by the four southern states, dreading as they did the example of Vermont in its influence upon their own backwoodsmen.

The settlers of Kentucky had not forgotten their original project of an independent state. Already, indeed, they had petitioned Congress on the subject. Similar ideas prevailed also among the settlers on the Tennessee. The usual division of parties in Congress had been between New England and Pennsylvania on the one side, and New York and the southern states on the other; but on the Vermont question Pennsylvania went with New York and the south. Alarmed at some movements toward independence among the western settlers, over whom her jurisdiction had been established by the settlement of the boundary with Virginia, Pennsylvania

Dec. 3. even went so far as to impose the penalties of treason upon any attempts to set up an independent government within her limits, or the holding of public meetings for that purpose—a law of which the settlers complained in a petition to Congress.

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DIPLOMATIC AFFAIRS. CHANGE OF MINISTRY IN ENGLAND.
TREATY OF PEACE. STATE OF THE ARMY. WAR ON
THE FRONTIER. EMPTINESS OF THE FEDERAL TREASURY.
DISCONTENT OF THE OFFICERS. COMMUTATION OF
THE HALF PAY. CONGRESS INSULTED BY MUTINEERS.
DISBANDMENT OF THE ARMY NEW YORK EVACUATED.
WASHINGTON RESIGNS HIS COMMISSION. THE CINCIN-
NATI. THE TORY REFUGEES

ON his return to Paris as commissioner to treat for peace and to form a commercial treaty with Great Britain, John Adams again took with him as companion his second son, John Quincy Adams, then a boy of fourteen, afterward President of the United States. Very contrary to his own inclination, Adams was prevented by Vergennes from any attempt at immediate negotiation. The temper of Adams was quite too exacting and impetuous to make him a favorite at the French court. He thought, so Franklin wrote, that the Americans had been too free in their expressions of gratitude to France; that the obligation, in fact, was on the other side; and that aid ought to be demanded with spirit. As dissimulation made no part of his character, these opinions, if not openly expressed, were sufficiently indicated by his manner and bearing. The French ambassador had complained to Congress of the losses to French merchants in consequence of the official reduction of the old tenor to forty for one. Similar complaints were reiterated by Vergennes. Ad-

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ams, impatient at having nothing to do, undertook to justify that proceeding in a long memorial, which gave additional offense to the French minister, as an interference with Franklin's province.

Aug. Finding himself uncomfortable at Paris, and being authorized to negotiate a loan in Holland, Adams proceeded thither. After the capture of Laurens became known in America, he was commissioned as American minister at the Hague. But he was discountenanced by the French resident; and, though Holland was on the brink of a war with England—probably on that very account—he was refused a reception; incidents which tended to increase the doubts and suspicions he had all along entertained of the designs of the French court.

Oct. After the total destruction of the southern army in the battle of Camden, some of the southern delegates in Congress, very much alarmed at the progress of the British, and fearing a peace on the principle of leaving each belligerent in possession of what he held, became very anxious for the aid of Spain. They even proposed to abandon all claim to the navigation of the Mississippi, as the price of a Spanish subsidy and alliance. Bland supported this proposition; but his colleague, James Madison, lately appointed a delegate from Virginia, and already a leading member of Congress, opposed it. To settle the difference between them, the matter was referred to the Virginia Assembly.

The subject coming up during Arnold's invasion, that same terror which determined the question of the public lands, induced the Virginia Assembly to wave also the claim, till now so strenuously insisted upon, of a free navigation of the Mississippi. Madison, though contrary to his own opinion, drew up new instructions to Jay, which Congress adopted—not, however, without a strenuous op-

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position from North Carolina, Connecticut, and Massachusetts, disinclined by their interest in the public lands, CHAPTER XLV.
 and, in the case of the two latter states, by their comparative security, from so serious a sacrifice. 1781.

Meanwhile the Empress of Russia had offered her mediation for bringing about a peace. At the request of Great Britain, the Emperor of Germany joined in the mediation. This offer, and the acceptance of it by Great Britain, being communicated to Congress by the French ambassador, a committee was appointed to confer with him; and on the report of that committee, influenced by the French ambassador's representations, and the financial pressure to which Congress was subjected, a decided modification took place in the terms of peace formerly agreed to. The express acknowledgment of independence was now waved. Any thing was to be accepted which substantially amounted to it. The treaty with France was to be maintained in full force; but every thing else was intrusted to the discretion of the negotiators, the former instructions to be considered as indicating the wishes of Congress. The most candid and confidential communications were to be made to the French minister for foreign affairs; nothing was to be undertaken without his knowledge and concurrence; and, in the last resort, the negotiators were to be governed by his advice. Jan. May. June 18.

These concessions, opposed by the New England states, were carried by the influence of Virginia and the South, now, under the pressure of invasion, quite as anxious for a speedy peace as France herself. The idea was started of having five commissioners to represent the different sections of the Union, and Adams, Jay, Franklin, Jefferson, and Laurens were accordingly chosen. Adams's separate powers to negotiate a treaty of commerce

CHAPTER XLV. were revoked, and the Dutch negotiation was presently put also under French control.

1781. The mediation of Russia and Germany resulted in
 Aug. nothing. Great Britain haughtily refused to acknowledge the independence of the United States, or to admit them in any way as parties to the negotiation, and France, in consequence, broke off the treaty.

1780. Dana, late secretary to Adams, appointed by Congress
 Dec. minister to Russia, with authority to accede to the principles of the armed neutrality, received no encouragement from Vergennes to proceed on his mission, and

1781 when he did so, he met with no countenance from the
 Aug. French minister at St. Petersburg, where he was unsuccessful in his attempts to obtain an audience. M. de Luzerne stated to Congress, in explanation, that to receive an envoy from America would be inconsistent with the position of Russia as a mediator. Vergennes entertained the opinion, and so did Franklin, that nothing was to be gained for America by soliciting the reluctant countenance of European courts. Dana, however, concurred with Adams—and Jay inclined to the same opinion—that France, for some sinister purpose of her own, was seeking an exclusive control over the foreign relations of the United States.

On Franklin's complaint of the great amount of business thrown upon his shoulders, much of it relating to commercial and nautical affairs, in which he was not

1780. skilled, Congress had sought to relieve him by sending
 Nov. out Palfrey, the late paymaster general, as American consul at Paris. But the ship in which he sailed was

1781. never heard of, and near a year elapsed before a successor
 Oct. was appointed. This was Thomas Barclay, who was presently authorized, also, to settle all outstanding accounts in Europe.

As the loss of Charleston and the defeat at Camden had induced the Americans to lower their tone, so the successes of Greene and the surrender of Cornwallis produced a like effect on the British. 1781.

So soon as news arrived of the surrender of Cornwallis, Clinton was superseded by Carleton. The king's speech at the opening of the session of Parliament breathed only war; but the first division in the House of Commons showed a considerable accession to the strength of the opposition. A motion being made "that any further attempt to reduce the Americans by force would be ineffectual and injurious," the ministry could muster against it a majority of only forty-one—a great falling off from their former strength. The hopes of the opposition rose, and they continued to gain ground. A motion by General Conway, after the Christmas recess, for an address to the king to put a stop to the war, was lost by only one vote. A few days after, a similar motion was carried. An attempt was made to divide the opposition, which consisted of two parties, the adherents of Lord Rockingham and those of Lord Shelburne; this attempt failing, Lord North resigned.

The leadership of the new ministry devolved on the Marquis of Rockingham, whose avowed principle it was to acknowledge the independence of the United States, and to treat with them accordingly. Lord Shelburne and his friends, adhering to Chatham's ideas, still cherished the hope of some possible accommodation. Overtures were made to Adams at the Hague, where at length he had obtained a reception, and was busy in negotiating a treaty of commerce, as well as to Franklin at Paris, to ascertain whether the United States would not agree to a separate peace, and to something less than entire independence. With the same object, Sir Guy Carleton, appointed

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CHAPTER XLV. to supersede Clinton, was commissioned, along with Ad-

miral Digby, commanding on the American station, to

1782. treat for peace. Carleton addressed a pacific letter to Washington, and put a stop to the predatory parties of Tories and Indians, by which the frontiers of New York had so long been harassed. The powers to treat were

May 31. communicated to Congress, but that body declined to negotiate except in conjunction with France, and at Paris.

Richard Oswald, a British merchant, sent to Paris to sound Franklin, presently returned with the information that independence, a satisfactory boundary, and a participation in the fisheries, would be indispensable requisites

July 1. in a treaty. At this moment Lord Rockingham died.

Shelburne, who succeeded to the first rank in the ministry, had been an adherent of Chatham, and, like him, greatly disinclined to the dismemberment of the empire. In this sentiment he was warmly supported by the king, and perhaps he was strengthened in it by news of Rodney's success in the West Indies, where he had plastered

April 12. over the robbery of St. Eustatius by a splendid victory, obtained by the maneuver, afterward so successfully practiced by Nelson, of breaking the enemy's line, and in which he had captured almost the whole fleet of De Grasse, thus effectually preventing a combined French and Spanish attack designed against Jamaica.

But, whatever the sentiments of Shelburne might be, he did not hesitate long. An act of Parliament was obtained, authorizing a negotiation with the insurgent colonies, and Oswald presently returned to Paris with authority to negotiate on the basis intimated by Franklin. Jay had already arrived from Madrid; Adams was yet busy in Holland; Laurens, though released from the Tower, was still in London; the delicate health of Jefferson's wife detained him at home.

Aug.

When Franklin, Jay, and Oswald met to interchange CHAPTER XLV. their powers, Oswald produced a commission in the terms of Shelburne's recent act, by which the king had been 1782 authorized to conclude a peace or truce with certain "colonies" therein named. Franklin and Vergennes thought this sufficient, since to treat with the colonies was in itself an acknowledgment of their independence; but Jay differed, and refused to go on till Oswald procured new instructions, authorizing him to treat with the commissioners of "the United States of America."

Pending this delay, developments took place which confirmed Jay in his suspicions of France, and not without effect even upon Franklin. The right to participate in the Newfoundland fisheries was a point of great interest in Massachusetts. The Legislature of that state had recently adopted resolutions warmly urging it. Very anxious for peace, Vergennes thought the states might be content with the coast fishery, foregoing their claim to that of the Grand Bank. His views on the subject of the western lands were still more alarming. The occupation by Spain of the settlements on the east bank of the Mississippi, and the capture of Mobile, and subsequently of Pensacola, by a Spanish force, have been already mentioned. The British attack on St. Louis had been retorted by an expedition which ascended the Illinois, and captured a small British post near its head. By virtue of these conquests, Spain claimed to hold the Valley of the Illinois, and all the territory on the Lower Mississippi. The intervening country eastward to the Alleghanies belonged, according to the Spanish view, to the Choctaws, Chickasaws, Creeks, Cherokees, and other independent Indian tribes, over whom neither party had any claims of jurisdiction. Perceiving that the American commissioners would never consent to be bounded

III.—D D

CHAPTER by the Alleghenies, Vergennes proposed by way of com-
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 1782. promise that the country south of the Ohio should be divided between Spain and the United States, leaving the fate of the region north of the Ohio to be decided by the treaty with Great Britain.

Oswald had observed, and he labored to foment the rising jealousy of the American negotiators. Anxious to detach the United States from their ally, and overlooking the fact that Vergennes, on many points, might be more complying than the American ministers, he opened a private, non-official intercourse with Franklin and Jay, in the course of which he communicated to them an intercepted letter from Marbois, the French secretary of legation in America, which seemed to imply a settled policy on the part of France to exclude the Americans from the fisheries and the western lands.

Sept. 21 Their suspicions thus aroused, when Oswald's new commission arrived, without communicating that fact to Vergennes, or taking his opinion or advice, as their instructions required, Franklin and Jay proceeded at once to negotiate a preliminary treaty of peace.

A northern and western boundary, as claimed by the first instructions of Congress, including the peninsula of Upper Canada, was soon agreed to. The fishery, as formerly used, was also conceded. These articles, sent to Oct. England for approval, presently came back with objections and proposed modifications. Adams, who had just completed his treaty with Holland, now joined his brother commissioners. Oswald, also, was re-enforced by two colleagues. The whole matter was now again gone over. The British commissioners claimed the country north of the Ohio as a part of Canada, to which, indeed, the Quebec Act had annexed it. They sought, also, to extend the western limits of Nova Scotia as far as Pemaquid, ac

according to the old French claim and the actual British occupation. By a compromise on these points, authorized by the original instructions of Congress, the peninsula of Upper Canada was yielded to the British, the eastern boundary of the United States remaining fixed at the St. Croix. In conformity to these same instructions, the northern limit of Florida, according to the proclamation of 1763, was agreed to as the southern boundary of the United States, being the River St. Mary's from its mouth to its source, a due west line thence to the Appalachicola, and from the Appalachicola to the Mississippi, the thirty-first degree of north latitude. But, by a secret article, if Great Britain, at the peace with Spain, should still retain West Florida, the northern boundary of that province, in conformity with the proclamation of 1764, was to be a due east line from the mouth of the Yazoo to the River Chattahoochee. It was attempted in this new negotiation to exclude the Americans from the Grand Bank fishery; but Adams made a firm resistance, and that matter stood as originally arranged.

The British commissioners struggled hard to obtain something of restitution or compensation for the Loyalists whose property had been confiscated—a point on which, in all probability, Vergennes would have been inclined to aid them. The American negotiators would yield nothing. Adams, who had himself risked every thing in the struggle for independence, was little inclined to release those who had joined the other side from the penalty of their choice. Jay had taken a very active part against the New York Tories; and if Franklin, mild by nature and moderated by age, was less ardent in his feelings, he was well aware how his countrymen felt upon the subject. Concession on this point was pertinaciously re-

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CHAPTER XLV. fused, unless Great Britain would make compensation, in her turn, for the private property destroyed during the 1782. war. It was stipulated, however, that no further confiscations should be decreed nor prosecutions commenced; and, as a sort of salvo to the honor of Great Britain, that Congress should recommend to the states the restoration of all confiscated property. The American commissioners made no secret, however, of the certain futility of all such recommendations. For the benefit of the British merchants who had large outstanding American claims, especially against the southern planters, it was provided by a special article that all impediments should be removed to the recovery of debts due on either side.

As soon as possible after the final ratification of the treaty, the British fleets and armies were to be withdrawn from every port and place within the United States; but the articles were not to take effect till peace had first been concluded between France and Great Britain.

Two days before the signature of these preliminaries, Laurens arrived at Paris; and, faithful to the slave-holding interest which he represented, he procured the insertion of an article that no "negroes or other property" should be carried away by the evacuating troops.

Nov. 30. Thus completed, these preliminaries were signed, and, with the exception of the secret article, were presently communicated by Franklin to Vergennes. Pointedly reproached, though with French politeness, for ungenerous distrust of France, and breach of positive instructions, in having signed this preliminary treaty without consulting the French court; Franklin replied with soft words; and Vergennes took the matter so little to heart, that, within a few days after, he agreed to advance a new loan of six millions of livres, \$1,111,111, toward enabling the United States to meet the expenses of the ensuing year.

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France was inclined to favor the interests of Spain, her family ally; she was also very anxious speedily to terminate a war, the whole financial burden of which her American allies seemed inclined to shift upon her shoulders. Such appears to have been the only foundation for the suspicions entertained of the designs of the French court. In his whole intercourse with America Vergennes seems to have acted an honorable part, faithfully contributing, according to his best judgment, to secure the professed object of the treaty of alliance, the political and commercial independence of the United States.

While these negotiations were proceeding in Europe, military operations in America were almost at a stand. The flagging efforts of the states had been still further relaxed by the prospect of peace. Washington's army of ten thousand men, encamped near the Hudson, was reduced to great straits for provisions, and Congress was obliged May 22 to dispatch two committees, one to the northern, the other to the southern states, to represent the alarming necessities of the soldiers. Morris exerted his utmost efforts; he drew bills on Europe; he issued treasury notes, payable on short time; and, during the first few months of its existence, he obtained from the Bank of North America advances to the amount of \$300,000. Assailed, however, with bitter reproaches, both in and out of Congress, and exposed to the most cruel misconstructions, this indefatigable financier was reduced to the brink of despair.

Perceiving the near approach of peace, and the utter inability of Congress to fulfill any pecuniary engagements, the officers of the army began to doubt as to their arrears, and especially as to the promised half pay for life. There were some among them who ascribed the inefficiency of the government to its republican form. Lewis Nicola, a colonel of the Pennsylvania line, of respectable

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CHAPTER XLV. character, but a foreigner by birth, was made the organ for proposing to Washington, in an elaborate and plausible

1782. letter, the establishment of a monarchy—he to be king. How many officers were concerned in this intrigue is not known; but it serves to show that the popular dread of a standing army was not altogether without foundation. Had Washington resembled the vast majority of military heroes, hopeless as such a scheme was, in such a country and among such a people, the nation might yet have been involved in new and more desperate struggles. But Washington's firm and emphatic rebuke nipped this project in the bud.

May 23. Though operations between the main armies were suspended, war still raged, and with unusual horrors, on the western frontier. The Christian Delawares, settled on the Muskingum, had been placed in a very delicate position. It was part of their religion to renounce the use of arms, and they aimed to preserve a perfect neutrality. But their villages lay directly on the war path. The hostile Indians, from the neighborhood of Detroit, on their way to the American frontier, were accustomed to demand supplies of provisions which the Delawares could not refuse; and the backwoodsmen regarded them, in consequence, "as the half-way house" of the enemy. They were suspected, at the same time, by the hostile Indians, of betraying their movements to the whites; and, in consequence of these suspicions, a large war party had recently

1781. Aug. compelled the Christian Indians to abandon their villages, and to remove to Sandusky, on Lake Erie. Reduced, during the winter, in consequence of this sudden removal, to great distress for provisions, some of the Del-

1782. March. awares obtained leave to return to their villages on the Muskingum, to gather the corn left standing in the fields. Some murders, committed in the neighborhood of Pitts-

burg by a wandering party of Shawanese, being ascribed to the lately-retained Christian Indians, or to warriors whom they had aided and comforted, eighty or ninety men of that neighborhood marched to take vengeance. For want of a canoe, they crossed the Muskingum in a trough designed to hold maple sap, but large enough to carry two men at once. Arrived at the middle Moravian village, they found a party of Christian Indians gathering corn. The Indians at another neighboring village were sent for, and the whole were placed together in two houses. A council was then held to decide on their fate. Williamson, the commander, heretofore accused of too great lenity to the Indians, referred the matter to his men. Only sixteen voted for mercy; all the rest, professing a faith common on the frontier, "that an Indian has no more soul than a buffalo," were for murder. They rushed on their prey, scalping-knife in hand, and upward of ninety Indians, men, women, and children, soon lay bleeding and gasping.

Flushed by this success, a new expedition of four hundred and eighty men marched, under Colonels Williamson and Crawford, to complete the destruction of the Christian Indians by assailing Sandusky. They designed, at the same time, to strike a blow at the Wyandot town. Waylaid by the Indians near Sandusky, they were attacked by an overwhelming force, and obliged to retreat. Many stragglers were killed; Williamson made his escape, but Crawford and many more fell into the hands of the Indians, who burned him, and his son and son-in-law, at the stake, in revenge for the cold-blooded murders on the Muskingum.

Kentucky still continued to be harassed by Indian parties from the north of the Ohio. A large body of Indians, headed by Simon Girty and other Tory refugees, having

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May

June 6

CHAPTER XLV. entered the settlements, they were pursued by one hundred and eighty men under Colonels Todd, Trigg, and 1782. Boone, who rashly attacked them at the Big Blue Lick, where the road from Maysville to Lexington crosses the Licking. Here occurred the bloodiest battle ever fought in Kentucky. The Kentuckians lost sixty-seven men in killed and prisoners, the Indians having the advantage of the ground; nor was it without a severe struggle that the rest escaped. This, however, was the last inroad south of the Ohio by any large body of Indians.

In the southern department military operations were still carried on. Toward the close of the preceding year some Tories among the Cherokees had made a foray upon the back settlements of South Carolina, and carried off as prisoner a brother of General Pickens. With a body of South Carolina and Georgia militia, Pickens invaded and laid waste the Cherokee country. Upon the arrival of the Pennsylvania troops, Greene sent Wayne into Georgia. Clarke, who commanded there for the British, contracted his quarters, drew in his outposts, and, having ravaged and destroyed every thing in his way, retired to Savannah. The governor and council of Georgia removed from Augusta to Ebenezer. The people had been so impoverished by mutual plunder that even seed corn was hardly to be had. Wayne's troops had to be supplied from South Carolina. The back country was still harassed with Tory and Indian invasions. Even Wayne's camp was attacked by a body of Creek Indians, but they were repulsed with loss. The British forces soon after July 11. evacuated Savannah, carrying with them not less than five thousand negroes.

The troops in the southern department were still worse off than those under Washington. Many of the soldiers could not leave their tents for want of clothes. The Leg

islature of South Carolina passed laws forbidding impress-
ment, and assuming to provide for the army; but this
support was not furnished; and, in spite of the law, im-
pressments had still to be resorted to, by which the in-
habitants were so soured as to be almost ready to fight
their deliverers. The soldiers, embittered by privations,
were often on the edge of mutiny, a spirit which it re-
quired great watchfulness and occasional severity to sup-
press.

The intention to evacuate Charleston was announced
to Greene, and a suspension of hostilities proposed, on
condition that a trade in provisions might be opened with
Charleston. This being unwisely refused, the British
continued to send out foraging parties, resulting in the
loss of the younger Laurens, who fell in one of the last
skirmishes in that quarter. Before the end of the year
Charleston was evacuated.

A new expedition against the Cherokees, undertaken
by Pickens, resulted in a treaty, by which Georgia ob-
tained all the Cherokee lands south of the Savannah and
east of the Chattahoochee. This treaty, solemnly con-
firmed the next year, fixed the Cherokee boundary as it
long remained. The Creeks, by a treaty shortly after,
relinquished all claim to the lands east of the Altamaha
and Oconee.

Congress meanwhile was laboriously occupied with the
difficult subject of finance. Eight millions were esti-
mated as necessary for the service of 1783, besides
\$1,200,000 to pay the interest on the domestic debt.
That latter amount had been already called for; the quo-
ta of each state to be applied, in the first place, to the
payment of the public creditors resident in it, the balance
only to go into the federal treasury. Taught by the re-
sult of former requisitions, and in hopes that a foreign

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July.

Aug 27.

Dec. 14.

Oct. 17.

Oct. 18.

CHAPTER loan might be obtained, Congress was content with calling on the states for two only of the eight millions needed. The separate assessment and collection of the federal taxes was again strongly urged.

With the increasing poverty of the federal treasury, the western lands were earnestly looked to as a financial resource. Unwillingness to guarantee to Virginia the possession of Kentucky, and the influence of certain land companies, not without their weight in Congress, on whose behalf a claim was set up to large tracts west of the mountains, had hitherto prevented the acceptance of the Virginia cession. A committee, the appointment of which the delegates from Virginia vainly opposed, having gone into a full examination of all the claims to western lands, whether on the part of states, companies, or individuals, had made a report upholding the title of New York against all claimants. That report gave rise to many warm debates, which resulted, however, at the close of the session, in the formal acceptance of the deed of New York conveying all her title to Congress; an acceptance intended as a means to compel the other states to make satisfactory cessions. Massachusetts and Virginia voted against it; the Carolinas were divided; all the other states in the affirmative.

No sooner was the new Congress organized, with Elias Boudinot, of New Jersey, as president, than attention was again called to the engrossing subject of finance. The Assembly of Pennsylvania sent in a memorial complaining of the neglect of Congress in liquidating and providing for the domestic debt, and intimating an intention to apply the produce of the federal taxes just levied in that state toward satisfying the numerous federal creditors resident in it.

The late Congress had directed the appointment by

the superintendent of finance of a commissioner for each state, subject to state approval, with authority to audit, settle, and reduce to specie value, according to the congressional scale of depreciation, all outstanding claims in the old paper currency, whether state or individual, for supplies furnished, services performed, or money advanced or expended on federal account. This scheme was now carried into execution by the appointment of the commissioners. Similar commissioners were also appointed to settle the accounts of the old boards of treasury, war, and marine, and of the quarter-master's, commissary's, paymaster's, and other civil departments of the army, as well as of the commissioners, agents, and commercial correspondents in Europe. In consideration of these steps toward the liquidation of the public debt, the Assembly of Pennsylvania was persuaded by a committee of Congress to forego its threatened interference.

At length, though not without very evident reluctance, the proposed import duty of five per cent., as a fund for the support of federal credit, had been more or less fully conceded by all the states except Georgia and Rhode Island. Georgia, just restored to the Union, had not yet considered the subject; her accession, however, was confidently looked for, when the hopes of Congress were suddenly dashed by the unanimous refusal of the Assembly of Rhode Island to concur in the measure. That body gave as reasons the inequality of such a tax, bearing hardest on the commercial states, and particularly so on their own; and the inexpediency and danger of intrusting its collection, as the resolution of Congress required, to federal officers not known and not accountable to the state governments. Hamilton, now a delegate in Congress from New York, as chairman of a committee appointed for that purpose, drew up an elaborate answer to these objections;

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CHAPTER XLV. and a committee was appointed to proceed to Rhode Isl-

and personally to enforce the argument. But, just as
1782. they were ready to set out, news came that the Legisla-
ture of Virginia had taken advantage of the refusal of
Rhode Island to repeal their act granting the impost, to
which was added a resolution declaring the inability of
that state to meet more than a very small part of the
federal requisitions lately made upon her.

In this miserable condition of the federal finances, amid
the leisure of an idle camp, the dissatisfaction and doubts
of the army officers continued to increase. The army
accounts for the depreciation of pay, and deficiencies of
clothing and rations, which Congress had promised to
make up, still remained unliquidated. Even the current
pay was greatly behindhand. Morris found it sufficiently
difficult to provide for the bare subsistence of the army.
Being without money, for the sake of a three months'
credit, he had just been compelled to make an advance
of thirty per cent. on his contract for army supplies. A
large part of the officers, quite destitute of private means,
were overwhelmed with debts, and reduced to great dis-
tress. General M'Dougall, and Colonels Brooks and Og-
den, deputed for that purpose, proceeded to Congress with
an emphatic petition, setting forth the distress and griev-
ances of the army, and asking a settlement of deprecia-
tion and deficiencies, and of the pay now over-due. It was
also proposed, in consideration of the extreme unpopu-
larity of the half pay for life, to accept in lieu of it a gross
sum to be paid down or secured at once.

Meanwhile the French auxiliary army marched from
Virginia to Boston, and there embarked. The conduct
of these French troops during the two years and a half
they had been in the country had been very exemplary.
They did far less mischief on their marches than the same

number of American soldiers; and the regularity with CHAPTE.
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A copy of Marbois's intercepted letter, transmitted to Congress by Jay, aroused in several members of that body the same suspicions felt by Jay himself. Yet a motion to release the negotiators from their obligation to consult with and to be directed by Vergennes failed to be carried. Of those who had formerly opposed that instruction, some doubted the policy of withdrawing it now. Practically it was a matter of no consequence, for the preliminary treaty was already signed. Explanations on the part of the French minister, and the absolute necessity of relying upon France for further advances of money, soon smothered all feelings of suspicion. These suspicions continued, however, to be strongly entertained, especially by Adams, of whom Franklin wrote in relation to this subject, that, though "always an honest man, and often a wise one, he was sometimes, and in some things, absolutely out of his senses."

Of the eight millions for the service of the past year, 1782 for which Congress had made requisitions on the states, only \$420,000 had yet reached the federal treasury. Morris had outstanding treasury notes to the amount of \$400,000 fast running to maturity, for which some provision must be made. The French subsidies and loans, including that raised in Holland on the credit of France, had been exhausted; indeed, Morris had overdrawn upon the American bankers abroad to the extent of \$500,000. To meet these drafts, there was nothing to rely on but the produce of a Dutch loan lately opened by Adams, the subscriptions to which came in but slowly, and the friendship of France, lately evinced, though Morris did not

CHAPTER XLV. yet know it, by the further loan, already mentioned, of
 1783. \$1,111,111. Under these circumstances, before taking
 the responsibility of further drafts, absolutely necessary
 as they were to prevent an entire stoppage of treasury
 payments, Morris required the express sanction of Con-
 gress. That sanction, out of pure necessity, was unani-
 mously given; and Morris, thus authorized, was enabled,
 by the sale of additional drafts, to raise and forward to
 the camp a month's pay for the army.

Meanwhile, the question of the commutation of the
 half pay gave rise to very lively debates. The division
 which had all along more or less distinctly existed be-
 tween the advocates of a strong central government and
 the partisans of state authority, became, upon this ques-
 tion, very apparent. Hamilton wished to fund the whole
 public debt, including the sums due the army, and to give
 the creditors Continental certificates, for the payment of
 which, at least of the interest, some effectual provision
 should be made. To this view Madison inclined. The
 other party wished to leave all state obligations, the claims
 of the officers included, to be separately provided for by
 the several states.

While Congress deliberated, the officers grew more and
 more impatient; and in hopes of forcing, by that means,
 some general provision for the public debt, some of the pub-
 lic creditors inflamed their discontents. Just after a visit
 to the camp at Newburgh by Col. Walter Stewart, sup-
 posed to be an emissary from Gouverneur Morris, assistant
 to Robert Morris in the business of the finances, an anony-
 March 10 mous notice made its appearance, in which a meeting was
 proposed of the general and field officers of the army, with
 one officer from each company, to take into consideration
 the present aspect of their affairs. There came forth, at
 the same time, an anonymous address, very energetical.

ly written, an artful appeal to the passions of the officers; CHAPTER
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the production of Captain Armstrong, a son of General
Armstrong, of Pennsylvania, and an aid-de-camp of Gates. 1783.
The authorship was not generally known, though Gates
was strongly suspected by Washington's more particular
friends of being somehow concerned in the movement.
The address, in fact, according to Armstrong, had been
secretly concerted by a number of officers—who they
were he has not told us—and, being known to hold a vig-
orous pen, he had been requested to put it in form.

Fortunately for his country and for his own fame,
Washington's large private property placed him above the
temptations of want, and the hardly less dangerous excite-
ment of passion and confusion of judgment which the pros-
pect of want is so apt to produce. In accepting the sta-
tion of commander-in-chief, he had voluntarily relin-
quished all claim to pay. He therefore had the advant-
age of being wholly free from any personal interest in the
question. While he could not but warmly sympathize
with the officers, whose wants he knew, and whose suf-
ferings he had witnessed, and to whom the half pay had
been promised at his own earnest and repeated recom-
mendation and request, he was exceedingly anxious lest,
by some rash step, they might damage their country and
disgrace themselves. He relied much on his personal in-
fluence with the officers; yet that influence, he feared,
might be somewhat diminished by his well-known spirit
of inflexible opposition to all schemes for brow-beating or
overawing the civil authority. In the general orders of
the next day, he denounced the call for a meeting of of- March 11
ficers as irregular and subversive of discipline; at the
same time, he named a day subsequent to that of the
anonymous notice for the officers to come together to
hear the report of their committee sent to Congress.

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A second anonymous address now came forth, in a somewhat more moderate tone, but insinuating that the commander-in-chief was secretly favorable to the movement. Washington took care to counteract its effect by numerous interviews with individual officers previous to the proposed meeting, interviews in which he exerted all his influence to calm their passions, and to prevent any rash or hasty action. At the appointed time, the officers assembled in a little building on the banks of the Hudson. By Washington's order the senior officer present was to preside. Gates was accordingly placed in the chair, a position to which his rank in the army entitled him, but one which would prevent him from taking any active part in the proceedings. Washington presently entered. In a short speech he appealed to the patriotism and good sense of the officers, entreating them to rely on the justice of Congress, and stigmatizing the anonymous addresses as probably the work of some British emissary, whose object was disgrace to the army and ruin to the country. Having thus repeated in public remonstrances already made to many individual officers, he retired, and left the meeting to its own deliberations. No one rose to counteract the effect of his speech. A committee, of which Knox, one of Washington's firmest adherents, was chairman, reported a resolution of "unshaken confidence in the justice of Congress." Another was afterward moved expressing "abhorrence and disdain" of the "infamous proposals" of the late anonymous addresses; and so totally were the malcontents disconcerted, that both these resolutions were unanimously adopted.

Washington wrote immediately to Congress with great urgency and feeling, and that body presently agreed to commute the half pay for life into five years' full pay in one gross sum, certificates to be issued for it.

to bear interest at six per cent. This measure, hardly more popular than the half pay itself, was loudly condemned by the Legislature of Massachusetts. There prevailed, indeed, throughout New England, a strong feeling against the whole scheme of extra pay. CHAPTER XLV.
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Meanwhile the preliminary treaty arrived in America, March 12 and information that, in framing it, the commissioners had disregarded the instructions which required them to consult the French court. The secret article, the existence of which had been concealed from Vergennes, caused Congress considerable embarrassment; but a motion to censure the commissioners failed to pass. The treaty, on the whole, was quite satisfactory, more so, perhaps, than it would have been had Vergennes assisted in framing it.

Notice arrived not long after that preliminaries between the other belligerents had been signed. After struggling hard to recover Gibraltar, first by arms and then by negotiation, Spain had been obliged to be content with getting back Minorca and the Floridas, regaining by this latter acquisition that entire control of the shores of the Gulf of Mexico so long claimed as her special possession. France kept Tobago in the West Indies, and recovered the little islands of St. Pierre and Miquelon, with the exclusive right of fishing on the southern coast of Newfoundland. The other conquered islands were mutually restored.

By the signing of these preliminaries, those between Great Britain and the United States became binding. Congress issued a proclamation accordingly; and the cessation of hostilities was published in the camp at Newburgh just eight years after the battle of Lexington—years how full of unexpected changes and startling events!

The proclamation of peace was celebrated in Green's April 23

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camp by fire-works and musketry. That army, for several days previous, had been without either bread or rice.

1783. The state of feeling between Greene and the state authorities of South Carolina was any thing but cordial. A letter which he had lately addressed to the Legislature, urging the fulfillment of their federal obligations, was denounced as an attempt at military dictation; and a warm dispute was going on between Greene and Benjamin Guerard, the newly-elected governor, as to the respective boundaries of civil and military authority. From the moment of the proclamation of peace, the state arrangement for furnishing supplies was abandoned, and the troops had to be subsisted at the point of the bayonet. When at length the contract system was introduced, it was almost impossible to find a contractor, and Greene was obliged to give a pledge of his private credit, which afterward involved him in great embarrassments. As the army could not be safely disbanded so long as the Brit-

April 23. ish continued to hold New York, Congress pronounced the engagements of the men enlisted for the war to be binding till the treaty of peace was definitively ratified. Orders, however, were issued for granting furloughs or discharges, at the discretion of the commander-in-chief. Greene was authorized to grant furloughs to the North Carolina troops; and the lines of Maryland and Pennsylvania serving under him were ordered to march for their respective states. Three months' pay was to be furnished to the furloughed soldiers; they were also to keep their arms and accouterments as an extra allowance.

A report that no settlement of the expenses of the war between the Union and the several states was intended by Congress was made an excuse for not paying up requisitions, every state pretending to be already in advance. Before any such settlement could be made, it

was necessary to determine the ratio in which the states were to contribute. That ratio, by the Articles of Confederation, was the appraised value of houses and improved lands. But no such appraisement had yet been made; the scheme, indeed, was liable to great objections; and Congress proposed to amend the articles by substituting as the basis of contributions "the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons, except Indians not paying taxes;" this number to be ascertained by a triennial census. . . .

The lately-rejected federal import duty was also revived in a somewhat modified form, the states being asked to confer on Congress, for the period of twenty-five years, the right to levy certain moderate specific duties on spirits, wine, tea, coffee, sugar, and cocoa, with five per cent. on the valuation of all other imported articles, to be exclusively appropriated to pay the interest on the public debt. As a further fund for the same purpose, the states were called upon to appropriate substantial and productive revenues, sufficient to raise their respective annual quotas of a million and a half of dollars.

It was also urged that such states as had not made satisfactory cessions of their claims to western lands should immediately do so.

These propositions were sent forth to the states in an April 23 eloquent address, prepared by Hamilton, Madison, and Ellsworth, in which the necessity of providing for the federal debt was strongly urged. "Let it be remembered," said this address, "that it has ever been the pride and boast of America, that the rights for which she contended were the rights of human nature. By the blessing of the Author of these rights on the means

CHAPTER exerted for their defense, they prevailed against all op-
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position, and form the basis of thirteen independent
 1783. states." The opportunity was now presented—so the
 address went on to urge—of trying a great experiment
 of republicanism under more favorable circumstances than
 ever before. For the judicious and fair trial of that ex-
 periment the states would be held responsible in the eyes
 of the world.

May 7. A week or two after, another urgent appeal was made
 to the states to provide means for the three months' pay
 to the furloughed soldiers. This pay was to be advanced,
 meanwhile, in treasury notes—a new species of paper
 currency, payable in six months from date, and receivable
 for all Continental taxes; all Continental receivers who
 had money on hand—if such were any where to be found
 —being also authorized to redeem it at sight.

At these preparations for disbanding the army while
 their dues still remained unsettled, symptoms of uneasi-
 ness again made their appearance among the officers in
 the camp at Newburgh; but, by the judicious interfer-
 ence of Washington, they were again pacified. John
 Gratton and Rufus Putnam, of Massachusetts, Elias Day-
 ton, of New Jersey, C. C. Pinckney, of South Carolina,
 and Armand, of France, had been lately made brigadier
 generals, the last promotions to that rank.

Some delay which occurred in preparing the notes for
 the three months' pay led to a humiliating insult to Con-
 gress. A body of Pennsylvania soldiery, some three hund-
 red in number, lately arrived from the Southern depar-
 tment, had already given signs of insubordination by send-
 ing an insolent letter to Congress. News presently ar-
 rived that part of a corps stationed at Lancaster had
 marched for Philadelphia, leaving their officers behind.
 It afterward appeared, however, that two of the officers

were at the bottom of the whole business. Congress suggested to President Dickinson and the council of Pennsylvania to call out the militia to stop these revolters; 1783, new recruits, who did not exceed eighty in number. But the Pennsylvania authorities expressed the opinion that the militia would not be willing to act unless some positive outrage were first committed. Having reached the city, the mutineers from Lancaster were presently joined by the troops in the barracks, and, under the command of seven sergeants, without their muskets, but wearing side-arms, they beset, for three hours, the doors of the State House, in which both Congress and the Pennsylvania council were in session, sending in demands for immediate payment. A committee of Congress, appointed to consult with the Pennsylvania council, reported, as the opinion of that body, that nothing was to be expected from the city militia, who were ill provided for service, and disinclined to interfere except in case of actual violence on the part of the mutineers. A great many creditors of the United States residing at Philadelphia were not unwilling, perhaps, to see Congress subjected to some coercion and disgrace.

St. Clair, the commanding officer in Philadelphia, endeavored to pacify the mutineers by allowing them to choose a committee to state their grievances. Congress sent word to Washington of the revolt, and, disgusted at the conduct of the Pennsylvania council, adjourned to Princeton, where they were received with great respect, and accommodated in the College. Washington sent fifteen hundred men to Philadelphia, by whose presence the revolt was speedily suppressed. Several of the mutineers were tried by court-martial and sentenced to death; but all were presently pardoned.

The question where the permanent residence of Con-

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CHAPTER XLV. **gress** should be fixed had already been raised, and, after the adjournment to Princeton, it excited much interest and

1783. a good deal of local feeling. One party was in favor of
July. a federal city on the Delaware; another wished to have one on the Potomac. Maryland offered to cede Annapolis for that purpose; New York offered Kingston, on the Hudson. The council of Pennsylvania, anxious to bring Congress back to Philadelphia, apologized for their timid and hesitating conduct on occasion of the late mutiny. After much debate, it was finally agreed, that, so soon as suitable sites could be obtained, two federal cities should be erected, at which the sessions of Congress should be alternately held, one near the Falls of the Delaware, the other near the Falls of the Potomac. Committees were appointed to negotiate for these sites. Until the cities could be built, the sessions of Congress were to be held alternately at Annapolis and Trenton—the next session to be at Annapolis.

Efforts on both sides to procure some modification of the preliminary articles delayed for some months the final treaty of peace. These preliminaries, especially those with France and Spain, occasioned a violent debate in the British Parliament, and enabled the famous but short-lived coalition under Fox and North to overthrow the ministry of Shelburne. In consequence of that change, Oswald was superseded by David Hartley as negotiator on the British side. The claims of the Loyalists, whose property had been confiscated and their persons banished, were pressed anew, and with much urgency. The British ministry desired also to secure by the treaty some favorable commercial arrangement with the late colonists. The Americans, on their side, were not a little troubled at the idea of being called upon to pay old debts to British merchants, which, as they had fondly hoped, the war

had wiped out forever. Against this article of the preliminary treaty the Assembly of Virginia and the Council of Pennsylvania had made warm remonstrances. Maryland and Virginia had specially confiscated British debts, and a considerable amount of them had been paid into the treasuries of those states in the depreciated paper. But no changes could be effected on either side, and the treaty, as finally signed, did not differ from the preliminary articles. CHAPTER XLV. 1783. Sept. 3.

The soldiers of Burgoyne and Cornwallis had been marched to New York; a general release of prisoners had taken place on both sides; but the necessity of finding transports for the numerous Loyalists assembled there protracted the evacuation of New York. In consequence of laws still in force against them, several thousand Americans found it necessary to abandon their country. A considerable proportion of these exiles belonged to the wealthier class; they had been officials, merchants, large landholders, conspicuous members of the colonial aristocracy. In spite of the confiscations decreed against them, many still had money, which they had increased or accumulated during the war by privateering, as sutlers to the British army, or by commercial operations carried on in spite of the American laws.

Those from the north settled principally in Nova Scotia or Canada, provinces the politics of which they and their descendants continued to control till quite recently. Those from the south found refuge in the Bahamas and other British West India islands. Still objects of great popular odium, these Loyalists had little to expect from the stipulated recommendations of Congress in their favor. Some of the states, whose territory had been longest and most recently occupied by the enemy, were even inclined to enact new confiscations. Such was the so-called Tres-

CHAPTER XLV. pass Act of New York, authorizing the owners of real estate in the city to recover rents and damages against

1783. such persons as had used their buildings under British authority during the war. This act had been passed before news arrived of the terms of the preliminary treaty; another act, subsequently to the evacuation, disfranchised all who had held any British commission, civil or military, or had been concerned in fitting out privateers.

During the invasions of Virginia and the Carolinas a considerable number of slaves had joined the British under promise of protection. When reminded by Washington of the clause which Laurens had procured to be inserted in the treaty, prohibiting the carrying away of slaves or other property, Carleton refused to understand that article as stipulating the surrender of any slaves who had taken refuge under the British flag—a surrender which, as he conceived, would be in the highest degree dishonorable to Great Britain. He took care to secure the safety of these negroes by sending them away in the very first embarkation; but, not to put any obstacle in the way of claims for indemnity, he caused an accurate list of them to be taken. These liberated slaves were carried to Nova Scotia, whence many of them emigrated to Sierra Leone. Their descendants, as merchants and traders, now constitute the wealthiest and most intelligent population of that African colony.

June 8. Washington had already addressed a farewell letter to the governors of the states, in which he had urged oblivion of local prejudices and policies, indissoluble union, a proper peace establishment, and a sacred regard to public justice; in other words, provision for the public debt.

Aug. 26. On the point of a peace establishment he also had an
Oct. 18. interview with Congress. That body presently published
Nov. 2 a proclamation for disbanding the troops; and on the day

previous to that appointed for the disbandment, Washington issued his farewell orders to the army. Furloughs had been already granted to the larger part of the soldiers, and all, except a small force still retained in the service, were now finally discharged. 1783.

The following table shows the number of soldiers, or, rather, of annual terms of service, furnished to the Continental ranks by each state during the war :

New Hampshire ...	12,497	Delaware	2,386
Massachusetts	67,907	Maryland	13,912
Rhode Island	5,908	Virginia	26,678
Connecticut	31,939	North Carolina	7,263
New York	17,781	South Carolina	6,417
New Jersey	10,726	Georgia	2,679
Pennsylvania	25,678		<u>231,791</u>

The greater part of the British being at length embarked, Carleton gave up the city of New York, and an American detachment under Knox marched in and took possession. The same day the American commander-in-chief called his officers together for a final parting. Tears, freely bedewing the manly cheeks of these veteran companions in arms, evinced the strength of the mutual attachment which so many hard-fought fields, so many tedious campaigns and dreary encampments had cemented. Nov. 25.

A few days after, Long Island and Staten Island were given up. The evacuation of the sea-board was thus complete; but the frontier western posts, Oswegatchie (now Ogdensburg), Oswego, Niagara, Presque Isle (now Erie), Sandusky, Detroit, Mackinaw, and some others of less note, continued to be held by British garrisons. Dec. 4.

The last British soldier having departed, Washington proceeded to Annapolis, where Congress was in session. As he passed through Philadelphia, he deposited in the controller's office an account of his expenses, amounting, secret service money included, to £19,306 11s. 9d., lawful money of Virginia, equivalent to \$64,315. Admit-

CHAPTER XLV. ted to a public audience by Congress, in a brief and appropriate speech he expressed his congratulations on the 1783. termination of the war. "Having now finished the work
Dec. 25. assigned me," he concluded, "I retire from the great theater of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life."

It fell to the lot of Mifflin, the lately-elected president of the newly-organized Congress, to reply—a reply the more emphatic, coming from a man whom Washington's warmer friends had suspected of having wished, and even plotted, in a dark hour of the Revolution, to remove him from the chief command. "The United States, in Congress assembled," said Mifflin, "receive, with emotions too affecting for utterance, the solemn resignation of the authority under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge before it had formed alliances, and while it was without friends or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence, on which happy event we sincerely join you in congratulations. Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict and to those who feel oppression, you retire from

the great theater of action with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command—it will continue to animate remotest ages.”

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Previous to their final separation, the officers of the army constituted themselves into a society, called the Order of the Cincinnati, after the Roman Cincinnatus, who left his plow to repel the invaders of his country. This order—an imitation, in some respects, of the European orders of knighthood, and distinguished, like them, by its appropriate ornaments and badges—was to be perpetuated through the eldest male descendants of the original members, or, failing such descendants, by the admission of such collateral relations as might be deemed worthy. There was also a provision for admitting a proportion of leading persons not connected with the army.

The matter of the half pay had already rendered the officers sufficiently obnoxious. This Order of the Cincinnati excited a vast deal of additional jealousy, as tending directly to the introduction of an hereditary aristocracy. The outcry raised against it in America was presently re-echoed from Europe, where hereditary aristocracies were losing their popularity. The afterward so celebrated Mirabeau, already well known as a writer, sent forth a pamphlet against it. Franklin, the Adamses, Jay, Gerry, and many other distinguished civilians, shared, to a certain extent, in these sentiments. The Legislatures of three states, Massachusetts, Rhode Island, and Pennsylvania, passed resolutions against the order, and it was severely censured by the governor of South Carolina in his address to the Assembly. At the first general meeting, through the efforts of Washington and others, the constitution was essentially modified by striking out the hereditary principle. But even this change did not give

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CHAPTER XLV. entire satisfaction, and the society still continued an object of a good deal of jealousy.

1784. The American refugees, quite a number of whom had been sustained throughout the war by pensions from the crown, perceiving that the treaty of peace contained no effectual provision on their behalf, appointed a committee of one from each colony, which applied to the British Parliament for indemnity. This application was favorably received, and a commission was appointed to inquire into the extent of their losses and the character of their claims. The whole business was brought to a close in 1791, when it appeared that five thousand and seventy-two claims had been put in, of which nine hundred and fifty-four had been abandoned or rejected. The whole amount claimed was £8,026,045, or about \$38,000,000, of which the commissioners allowed £3,293,455. All claims of £10,000 or under were paid in full; on the larger claims a deduction was made, amounting in the whole to £180,000. The balance, upward of \$15,000,000, was paid in a three and a half per cent. stock, worth about par. There were also two hundred and four claimants whose loss consisted in their deprivation of lucrative offices. They were provided for by pensions, amounting in the whole to £25,785. The refugees had clamored loudly at the delay of payment and the curtailment of their claims; but no defeated and discomfited faction ever fared so well. The Penn and Calvert families came in for a handsome share of this parliamentary allowance.

The bitterness against the Tories rapidly diminished. Many presently obtained leave to return to America. The confiscating laws were generally repealed, and such estates as had not been disposed of were restored to their original owners. Many others were subsequently recovered by reason of informalities in the process of forfeiture.

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COST OF THE WAR. FEDERAL AND STATE DEBTS. WESTERN LANDS. REGULATION OF COMMERCE. PEACE ESTABLISHMENT. COMMITTEE OF STATES. ANNUAL REQUISITIONS. DIPLOMATIC AFFAIRS. INDIAN TREATIES. NAVIGATION OF THE MISSISSIPPI. COINAGE AND MINT. PECUNIARY DISTRESS AND PUBLIC DISCONTENT. SHAYS'S REBELLION. PROPOSED AMENDMENT OF THE ARTICLES OF CONFEDERATION. RELIGIOUS ORGANIZATIONS.

THE independence of the United States had not been achieved except at very heavy cost. Not to dwell on the manifold calamities of the war—towns burned, the country ravaged, the frontiers attacked by the Indians, property plundered by the enemy or impressed for the public service, citizens called out to serve in the militia or drafted into the regular army, nakedness, disease, and sometimes hunger in the camp, the miseries of the hospitals, the horrors of the British prison ships—worse than all, the remorseless fury and rancorous vindictiveness of civil hatred; besides all this, the mere pecuniary cost of the war had imposed a very heavy burden, amounting to not much less than a hundred and seventy millions of dollars—a greater outlay, in proportion to the wealth of the country, than ten times as much would be at the present moment. Of this sum two thirds had been expended by Congress, and the balance by the individual states. It had been raised in four ways: by taxes under the disguise of a depreciating currency; by taxes directly imposed; by borrowing; and by running in debt.

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Of the two hundred millions issued by Congress in Continental bills of credit, eighty-eight millions, received 1784. into the state treasuries in payment of taxes at the rate of forty for one, had been replaced by bills of the "new tenor," to the amount of four millions four hundred thousand dollars, bearing interest at six per cent. Massachusetts, New Hampshire, and Rhode Island had thus taken up and redeemed their entire quota of the old paper. Connecticut, Delaware, the Carolinas, and Georgia had taken up none; the remaining states but a part of their quota. Besides the bills thus redeemed, near forty millions were in the federal treasury. As to the outstanding seventy millions, there was no thought of redeeming or funding them at any higher rate than seventy-five or a hundred for one. Many of these bills were in the state treasuries, into which they had come in payment of taxes; but a large amount remained also in the hands of individuals.

The depreciation and subsequent repudiation of this paper had imposed a tax upon the country to the amount of perhaps seventy millions of specie dollars—a tax very unequal and unfair in its distribution, falling heaviest on the ignorant and helpless; the source in private business of numberless frauds, sanctioned, in fact, by the laws of the states, which had continued to make the bills a legal tender after they had fallen to a tenth, a twentieth, and even a fortieth part of their nominal value. But in what other way could Congress have realized any thing like the same sum of money? How else could the war have been carried on at all?

Besides the Continental paper issued by Congress, all the states had put out bills of their own. In some states, as Massachusetts and Pennsylvania, these bills had been called in and funded at their nominal value. In others, especially at the South, they had been partially redeemed

by the issue of land warrants. The remainder had shared the fate of the Continental money, being either suffered to fall dead in the hands of the holders, or being funded at an immense depreciation. No state had made such profuse issues as Virginia, and such of her bills as were not paid in for land warrants were finally funded at the rate of a thousand for one.

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Besides the taxes thus indirectly imposed, very heavy direct taxes had been levied, especially toward the conclusion of the war. The amount raised by the states, whether through the medium of repudiated paper or taxes, it is impossible to ascertain with precision, but it probably did not exceed thirty millions of dollars. The remaining seventy millions of the expenses of the war still hung over the confederacy in the shape of debt.

Congress had begun to borrow while the issue of paper was still going on ; and after that issue stopped, to borrow and to run in debt became the chief federal resources. A federal debt had been thus contracted to the amount of some forty-four millions of dollars, of which about ten millions were due in Europe, principally to the French court. Franklin had signed contracts for the repayment of monies advanced by France to the amount of thirty-four million livres, about seven million dollars. All the back interest was remitted ; the reimbursement of the principal was to be made by installments, to commence three years after peace. To this sum was to be added the small loan from Spain, the larger one from the French farmers-general, and so much of the Dutch loan as Adams had succeeded in getting subscribed. It was the produce of the subscription to this loan, amounting to about \$700,000, which formed the resource of Morris for meeting the treasury notes in which the three months' pay had been advanced to the furloughed soldiers. That fund, however,

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was soon exhausted, and a considerable number of the bills drawn upon it were likely to come back protested; but, by paying an enormous premium, Adams succeeded in borrowing an additional amount of about \$800,000, out of which the bills of Morris were met. The loan in Holland, formerly yielded to the solicitations of Laurens, formed a part of the French debt. It had been lent, in fact, to France for the benefit of the United States. The federal debt, besides this amount due abroad, included eleven millions and a half, specie value, borrowed on loan-office certificates at home; six millions due to the army for deficiencies and depreciation of pay; five millions due to the officers for the commutation of their half pay for life; and about twelve millions more on unliquidated accounts, including, also, arrears of interest on the loan-office debt, of which but little had been paid since 1781, at which period the French government had refused to advance any more money for that purpose. These unliquidated accounts included, also, certificates for supplies impressed for the army, and a mass of unsettled claims in the old currency, in all the departments, civil and military, which the officers appointed for that purpose were busy in reducing to specie value. Besides this federal debt, each state was burdened with a particular debt of its own; the whole together amounting to some twenty-five or six millions of dollars, thus raising the total indebtedness of the country, state and federal, to the before-mentioned sum of seventy millions. The arrangements for the payment of the interest on this debt were very imperfect, depending, so far as the federal debt was concerned, upon requisitions on the states—requisitions, as we have seen, but very partially met.

For some months after the disbandment of the army, Congress was very thinly attended. The first business

of importance, after a quorum of nine states had been obtained, was the acceptance of the cession of Virginia of her claims to lands northwest of the Ohio, which cession she had modified by the omission of that guarantee of her remaining territory heretofore demanded. Besides a liberal reservation of bounty lands for her revolutionary soldiers, and those employed under George Rogers Clark in the conquest of Kaskaskia and Vincennes, Virginia stipulated in her act of cession indemnity for the expenses of that expedition; the security of the French inhabitants of those settlements; and that the ceded lands should be erected into republican states, each not less than ten thousand, nor more than twenty-two thousand five hundred square miles in extent, to be admitted into the Union with the same rights of sovereignty and independence with the older states.

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Simultaneously with this acceptance, Jefferson, who now again sat in Congress as a delegate from Virginia, as chairman of a committee, of which Chase of Maryland and Howell of Rhode Island were members, submitted a plan for the government of the western territory; not that only northwest of the Ohio, but the entire western region from the thirty-first degree of north latitude to the northern boundary of the United States, all of which it was expected to acquire by cessions from the states claiming it. This plan proposed to divide the territory into seventeen states: eight between the Mississippi and a north and south line through the falls of the Ohio, each to contain two parallels of latitude, except the northernmost, which was to extend from the forty-fifth parallel to the northern boundary; eight more between this line and another parallel to it, drawn through the mouth of the Great Kenhawa, to be laid out in plots corresponding to the first eight; the remaining tract west

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CHAPTER XLVI. of this last line, and between the Ohio, the Pennsylvania boundary, and Lake Erie, to constitute the seventeenth state. Among other conditions was the important and remarkable one, "that, after the year 1800, there shall be neither slavery nor involuntary servitude in any of the said states other than in the punishment of crimes, whereof the party shall have been duly convicted." To retain this proviso would require the vote of seven states, which April 19. number it failed to get. The four New England states, with New York and Pennsylvania, voted for it; North Carolina was divided; New Jersey, Delaware, and Georgia were unrepresented; Maryland, Virginia, and South Carolina voted against it. Mr. Jefferson's two colleagues voted against him on this point, as did those also of Mr. Chase. The anti-slavery proviso thus struck out, the April 23. port was adopted. The subject of surveying the western lands was also taken into consideration. An ordinance was brought in for that purpose, but not finally acted on.

Commerce had begun to revive since the peace; but American ships were excluded from their long-accustomed traffic with the British West Indies. Even in the direct trade with Great Britain, under the interpretation put upon the British navigation laws, American ships were restricted to the importation of the produce of the particular states to which they belonged. Silas Deane, now in England, where he had lately published a pamphlet complaining of the treatment he had received from Congress, and where he soon afterward died in great poverty and distress, was accused of aiding the British authorities with suggestions how to restrict the American shipping, and to engross for British vessels the carriage of goods between Britain and America.

Already it had become sufficiently evident that some

controlling power was needed to regulate the commerce of the Union, not only to meet foreign nations on equal terms, but to prevent injurious competition and conflict- ing legislation among the states themselves, symptoms of which began to appear. . Influenced by these considerations, Congress asked for a limited power, to be con- ceded by the state Legislatures, to regulate foreign commerce for the period of fifteen years.

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Jefferson drew up, and Congress approved, a plan for the negotiation of commercial treaties on principles of reciprocity; and Jay having given notice of his intended return, Jefferson was sent to Europe in his place, as joint commissioner with Franklin and Adams, to negotiate treaties on that basis. A treaty with Sweden had been already signed by Franklin, under special powers for that purpose.

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The military force retained at the peace amounted to less than seven hundred men, under the command of Knox, placed in garrison at West Point and Pittsburg. Even these were discharged before the termination of the session, except twenty-five men to guard the stores at Pittsburg, and fifty-five for West Point and the other magazines; no officer being retained in service above the rank of captain. Whenever the western posts might be surrendered by the British, Connecticut, New York, New Jersey, and Pennsylvania were to furnish their quotas of seven hundred twelve months' men to do garrison duty.

The military establishment thus reduced, the total federal expenses for the current year were estimated at the moderate sum of \$457,525. But an additional million was needed to meet outstanding deficiencies of the past year, and \$3,022,203 to pay up the over-due interest on the public debt. Even this calculation supposed that

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the \$1,200,000 specially called for in 1782, to pay the interest on the domestic debt, had been fully applied to 1784 that purpose by the respective states under the authority contained in the requisition—an assumption which facts did not justify. . . . It thus appeared that, on the most moderate calculation, \$4,480,203 were required to square the federal accounts to the end of the current year. This amount, if obtained at all, must be raised by taxes in the several states, in addition to the large amounts needed to meet their own separate engagements for interest and current expenses. Apart from the exhaustion and actual poverty of the country, the methods of taxation then generally employed were such as to make the whole burden felt. Duties on imports, now so fruitful a source of revenue, were but little in use, and very unpopular. To raise money in that way was esteemed by many judicious persons—perhaps not altogether without reason—as unequal and anti-republican, giving the government too easy access to the pockets of the people, and enabling the rich to escape from contributing in proportion to their means. It was partly on these grounds that so much difficulty was experienced in persuading the states to invest Congress with the proposed power of collecting a customs duty for federal purposes. Excise duties were still more unpopular. The heavy sums needed for federal and state purposes were levied by a direct contribution, one third of the whole, in Massachusetts and some other states, by a personal poll-tax.

Under these circumstances, Congress was content with attempting to pay up the interest on the domestic debt to the beginning of the year. The estimate was thus reduced to \$3,112,589. Since the repudiation of the old tenor, the return to specie payments, the abandonment of specific supplies, and the organization, under Morris, of

the existing system of finance, two requisitions had been made upon the states, one for eight millions of dollars for the service of the year 1782, the other of two millions for the service of 1783. The whole sum paid in on these two requisitions had amounted to only \$1,486,511, the deficiency having been met, as in the two preceding years, by contracting new debts at home, and by the produce of loans obtained abroad. To avoid making new requisitions with these old ones outstanding, and to bring up the specie payments of the states to the same level, Congress asked, toward meeting the amount now needed, the payment by the states of their respective quotas of the first half of the eight million requisition. Even if this call were fully paid up, there would still be a deficiency, for which, however, no provision was made. As a further means of easing the payment, a quarter part of it might be made in indents, or certificates, which the respective loan offices were authorized to issue for the over-due interest on the domestic debt.

Disgusted and discouraged by the multiplied difficulties of his department, Morris gave notice of his intended resignation, and, unable to find any body competent or willing to fill his place, Congress passed an ordinance for putting the treasury under the care of three commissioners. Livingston and Lincoln had already resigned their respective departments of foreign affairs and of war. Jay, then on his way home from Europe, had been appointed to succeed Livingston; till his arrival, the department of state was committed to an under secretary. As there was now no military force, no minister of war seemed to be necessary.

The Articles of Confederation, in contemplation of an annual recess of Congress, had provided for the appointment of a committee, of one delegate from each state, to

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CHAPTER sit during the interval. Such a committee was now ap-
XLVI. pointed and its powers defined, after which Congress ad-

1784. journed. But the members of the committee soon split
June 1. into two parties, and presently abandoned their post, leav-
ing the federal government without any visible head. The experiment of a Committee of States was not again attempted. The remaining sessions of the Continental Congress were protracted through the entire year, business being much delayed, and a great deal of time lost, for want of a sufficient number of delegates to form a quorum.

After a recess of five months, the annual session was
Nov. 1. opened at Trenton. Richard Henry Lee was chosen president. A resolve was carried to appoint commissioners to lay out a federal city and erect public buildings near the falls of the Delaware, toward which the sum of \$100,000 was appropriated. It was voted inexpedient to attempt, at this time, to erect public buildings in more than one place. Till the new federal city should be ready,
1785. Congress adjourned to New York, and there the remain-
Jan. der of the present session was held, and all the future ones. The want of funds, and obstinate differences of opinion in Congress, prevented any thing effectual being done toward the building of the proposed federal city.

Having now been abroad for nine years, the aged Franklin solicited a recall, and Jefferson was presently
March 10. appointed to fill his place. Franklin had concluded a consular convention with the French government; but, on account of the extensive, and, in some respects, independent powers which it conferred upon consuls, Congress was very unwilling to ratify it. Jefferson labored hard to procure some modifications, but without much success, and, after a delay of four or five years, the convention was at last reluctantly ratified. The em

barrassments anticipated from it were fully realized—its provisions becoming the occasion, a few years after, of very serious difficulties with the French revolutionary government. CHAPTER XLVI. 1785.

Negotiations for commercial treaties, on the basis suggested by Jefferson, were commenced by the commissioners with Prussia, Denmark, Portugal, and Tuscany. A treaty was presently concluded with Prussia, remarkable for its provisions, that in case of war between the contracting parties, privateering should not be allowed, and that free ships should make free goods. Prussia, very little of a maritime state, was the more ready on that account to assent to these novelties. A treaty under this same commission was negotiated two or three years after with the Emperor of Morocco, through the agency of Barclay, the consul at Paris. The negotiations with the other states came to no results. July.

A few days before the appointment of Jefferson as Feb. 24. Franklin's successor at the French court, John Adams, who still remained in Holland, had been selected as minister plenipotentiary to Great Britain. The first person to wait upon him after his arrival at London was the aged Oglethorpe, the founder of Georgia. When introduced to the king, he was received with a very magnanimous speech; but it was not long before he found his situation even more embarrassing than it ever had been in Holland. To a formal memorial which he presented Nov. 30 claiming the surrender of the western posts, the reply was made that, contrary to an express provision of the treaty, obstacles continued, in several of the states, to be placed in the way of the collection of debt contracted in Great Britain before the commencement of the war; and that, until those obstacles were removed, the posts in question would not be surrendered. The younger Pitt, 1786. Feb. 26.

CHAPTER XLVI who had succeeded as prime minister to the short-lived coalition of Fox and North, perceiving the weakness of

1785. Congress, and the incapacity of the federal government to adopt any system of counter-regulation, declined to enter into any treaty arrangements on the subject of commerce; nor did he even reciprocate the compliment of sending a diplomatic agent to America.

The retention of the western posts by the British was unfavorable to the scheme of Congress for fixing by treaty the Indian boundaries, and laying open a part of the western lands for settlement. A treaty, however, had been
 1784. Oct. 4. concluded at Fort Schuyler, by commissioners on the part of the United States, with the chiefs and warriors of the Six Nations, by which the Mohawks, Onondagas, Cayugas, and Senecas, who had adhered during the late war to the British side, consented to a peace and the release of prisoners. At the same time, they ceded all their claim to the territory west of Pennsylvania. Another
 1785. Jan. 21. treaty was presently held at Fort McIntosh with the Wyandots, Delawares, Chippewas, and Ottawas, by which the two former nations agreed to limit themselves to a tract on Lake Erie, from Cuyahoga (now Cleveland) west to the Maumee, bounded on the south by a line half way from the lake to the Ohio. Buckongahelas, a celebrated chief of the Delawares, present at this treaty, took no notice of the other commissioners, but approaching General George Rogers Clark, who was one of the number, he seized his hand, and thanked the Great Spirit for having thus brought two such great warriors together!

As the Shawanese still manifested a hostile disposition,
 March 8. Congress passed an ordinance regulating the office of secretary of war, to which post Knox was chosen; they also
 April 7. ordered seven hundred men to be enlisted for three years, for the defense of the western settlements.

For the convenience of the increasing population of Kentucky, and to save the necessity of suitors traveling to Richmond, the Assembly of Virginia had erected the three western counties into a separate judicial district, with a Supreme Court of its own. The court was opened at Harrodsburg; but, as there was no house there sufficient to accommodate it, the clerk and attorney general were directed to fix on some safe place near the present town of Danville, and were authorized to build a log-house large enough for a court-room in one end and two jury-rooms in the other, and also to erect a jail of hewn or sawed logs. Among the indictments found at the first court were nine for selling spirituous liquors without a license, and eight for adultery and fornication. A commercial intercourse was already opened with Philadelphia by way of Pittsburg.

The inhabitants of Kentucky, separated from Virginia by so many intervening mountains, began to entertain the idea of constituting themselves into a separate community. Two conventions successively held at Danville had resulted in a petition to the Assembly of Virginia for liberty to form a new state. A third convention had commenced its deliberations by unanimously voting in favor of the same project. An address was also put forth to the people, in which this step was strongly urged. As yet there was neither newspaper nor printing-press in Kentucky, and this address was circulated in manuscript. Fresh emigrants, meanwhile, continued to pour in. The new county of *Nelson* had already been taken from Jefferson, and before the end of the present year three other new counties were erected: *Bourbon*, taken from Fayette; and *Mercer* and *Madison*, from Lincoln. The interest of Virginia in retaining her western jurisdiction was by this time much diminished. Land warrants had

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1785. East Tennessee already contained three counties, *Washington, Sullivan, and Greene*, on the upper waters of the Nolichucky, the Houlston, and the Clinch. The remote settlements on the Cumberland, erected into the county of *Davidson*, increased rapidly; the town of *Nashville* had lately been laid out, named, like the county, after a North Carolina general who had fallen on the field of battle in his country's cause. A very large proportion of the present State of Tennessee was yet, and long remained, the property of the Cherokees at the east, and of the Chickasaws at the west. During the late recess of Congress, North Carolina had passed an act ceding her western territory to the United States on certain conditions; but at a subsequent session the same year, before the new Congress had any opportunity to accept it, this act was repealed.
- Nov. 13. Massachusetts having authorized her delegates in Congress to cede to the United States so much of her claims to western territory as they might see fit, it was proposed by Rufus King, one of her delegates, to modify the report on the Western Territory, accepted by the late Congress, by inserting into it a total and immediate prohibition of slavery. This motion was referred to a committee by the vote of eight states, the single delegate present from Georgia also concurring; Delaware unrepresented; Virginia and the two Carolinas in the negative.
- Mar. 16. 1785. was proposed by Rufus King, one of her delegates, to modify the report on the Western Territory, accepted by the late Congress, by inserting into it a total and immediate prohibition of slavery. This motion was referred to a committee by the vote of eight states, the single delegate present from Georgia also concurring; Delaware unrepresented; Virginia and the two Carolinas in the negative.
- April 19. A few weeks after, King and his colleague executed a deed of cession as to all the territory west of the present western boundary of New York; and Congress proceeded to enact an ordinance for the survey and sale of the lands northwest of the Ohio.
- May 20. ed to enact an ordinance for the survey and sale of the lands northwest of the Ohio.

The land-office system of Virginia and North Carolina,

by which each person was required to locate and survey his own grant, gave rise to many conflicting titles, and led to troublesome and expensive law-suits. The United States, in the ordinance now passed, adopted the system of New England and Pennsylvania, that of regular surveys of the whole territory at the public expense. The plan of those states was even improved upon by giving to it more of system and uniformity. By a series of lines perpendicular to each other, the one set running north and south, the other east and west, the federal lands were to be lotted out into townships of six miles square; these townships to be subdivided by similar lines into thirty-six sections, each containing a square mile, or six hundred and forty acres. The survey has since been carried to half sections, quarter sections, and eighths, and in some cases to sixteenths. One section in each township was to be reserved as the basis of a school fund—a beneficent provision, which, in too many states, negligence and misappropriation have almost defeated. The public lands, when ready for market, were to be offered to purchasers in the several states in quantities proportioned to their Continental quotas; the sale to be by public vendue, in quantities not less than a section, at the minimum price of one dollar per acre, to which the expenses of survey were to be added at the rate of \$49 per township. Payment was to be made in specie or certificates of federal debt.

Already the year was half spent, and no provision was yet made to meet its expenses. The current Continental charges for the year were put down at \$404,000. Adding the deficit on the last year's requisition, and one year's interest on the debt, the sum needed was \$3,650,000; but a small additional loan having been obtained in Holland, and appropriated to pay the interest on the foreign

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 1785. debt, only three millions were now called for, to be paid out of the remaining moiety of the eight million requisition of 1781. Hardly a third part of the requisition of the last year had yet been paid in, and nothing but the Dutch loan above mentioned had enabled Congress to meet its expenses. Two thirds of the present requisition were made payable in interest certificates, called indents, an arrangement intended for the mutual convenience of the tax payers and holders of certificates, especially where these two characters were united, but burdened with several restrictions, of which the object was to make the payments in specie proceed at a corresponding rate.

Sept. 27. After five years' service as Governor of Massachusetts, having been succeeded in that office by James Bowdoin, Hancock had been again chosen a delegate to Congress, and at the annual organization of that body, though detained at home by sickness, he was selected president. Till he should arrive, David Ramsey, of South Carolina, was appointed to act as chairman. Ramsey's term of Congressional office having presently expired, Nathaniel Gorham, of Massachusetts, was selected to succeed him, 1786. and, Hancock's sickness still continuing, Gorham was finally chosen president.

June. The alarming state of the federal finances—the more alarming, since next year the first installment of the French debt fell due—recalled attention to the federal impost, the power to levy which had been asked by Congress near three years before. A special committee, Feb. appointed to look into the matter, reported that nine states had so far granted the power that Congress might act, provided the four others, Georgia, Maryland, New York, and Rhode Island, would come into the measure. It appeared by the report of another committee that the power to regulate commerce for a term of years had been

granted by all the states except Delaware, South Carolina, and Georgia; but in several cases the grant was partial or conditional. The grant of the impost, strongly pressed upon the defaulting states, was presently obtained from Rhode Island, Maryland, and Georgia. New York also yielded to the importunities of Congress, but reserved the collection to her own officers, and made the duties payable in her own newly-issued paper money—reservations considered by Congress as completely vitiating the grant.

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Commissioners appointed for that purpose had lately negotiated treaties with the Cherokees, the Choctaws, and the Chickasaws, by which those nations, acknowledging the sovereignty of the United States, were confirmed in possession of by far the larger part of the present states of Tennessee, Alabama, and Mississippi, with portions of Georgia and North Carolina. A treaty had also been formed with the lately hostile Shawanese, by which they were limited to a tract between the Miami and the Wabash. The Indian bureau was presently reorganized by ordinance, and made subordinate, as till lately it remained, to the Department of War. Two superintendents were to be appointed, one for the district north of the Ohio, the other for the region south of that river, whose business it was to see that the regulations of Congress were enforced; to keep the Indians quiet by doing them justice; and to prevent those encroachments and that misconduct on the part of the frontier settlers by which Indian hostilities were generally provoked. There was exhibited, indeed, even on the part of the state authorities, a strong disposition to intermeddle with that exclusive control over Indian affairs bestowed upon Congress by the Articles of Confederation. Georgia claimed the right to make treaties of peace and war with

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CHAPTER XLVI. her neighbors, the Creeks, at her own pleasure. North Carolina, having undertaken, of her own authority, to assign boundaries to the Cherokees and to grant a part of their lands, was much offended at the concessions lately made to them. Virginia presently called upon the confederacy to pay the expense of an expedition by the Kentuckians against the Shawanese, undertaken without any authority from Congress.

The consent of Congress to accept the cession of
 Sept. 11. Connecticut, notwithstanding the reservation which she claimed, completed the title of the Union to the lands northwest of the Ohio. This concession to Connecticut was perhaps partially due to her quiet submission to the decision of the federal court in the Wyoming controversy.

An ordinance had been reported for the government of the Western Territory, but the surveys and explorations now going on had exposed the total disregard of all local boundaries, and the consequent inconveniences which would result from cutting up the western country into small states, according to the scheme proposed in the Virginia act of cession, adopted in that of Massachusetts, and sanctioned in Jefferson's accepted report. Virginia and
 Sept. 29. Massachusetts were therefore called upon to modify their cessions, so as to allow the division of the country northwest of the Ohio into three or five states, at the option of Congress.

Aug. 3. The estimate for the current year, including the payment of two installments of the foreign debt, falling due on the first of January following, amounted to \$3,777,000, and that sum was accordingly required of the states, \$1,606,000 of it being made payable in indents. The requisition of the last year still remained in a great part unpaid. Rhode Island had made her Continental taxes receivable in lately-issued paper money, which

circulated at a great discount. New Jersey positively refused to pay at all till New York consented to the federal impost. Though persuaded to recall this refusal, she made no provision for collecting the money. Pennsylvania objected to pay, on the ground that a disproportionate amount had been assigned to her; South Carolina claimed credit for supplies furnished to Greene's army in 1782 and 1783, a part payment, as she alleged, of the eight million requisition of 1781. The unsettled condition of the state accounts allowed each state to set up the old pretense of being already in advance of her just proportion. To get rid of this excuse, a measure was proposed in Congress, and completed at the next session, for bringing the several state accounts to a close, by the appointment of commissioners with full powers for that purpose. But, as the proposed amendment to the Articles of Confederation touching the ratio of distribution had as yet been agreed to by only eleven states, and as the appraisement required by the original articles had never been made, even after the accounts were all settled, it would still remain impossible to strike the balance between the respective states and the Union.

The emptiness of the federal treasury did not prevent Congress from exercising the power conferred by the Articles of Confederation to regulate the currency and coinage of the country. The dollar, being the coin most common and best known in America, was taken as the money unit; and that decimal scale was now adopted, so superior to all other monetary subdivisions. Originally proposed by Jefferson during his short membership of Congress, it was now preferred to a more complicated scheme suggested by Gouverneur Morris. A mint was presently established, but the poverty of Congress allowed no coinage except a few tons of copper cents.

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- Troubles meanwhile were breeding with Spain in relation to boundaries and the navigation of the Mississippi
- 1786 —a matter of great prospective importance to the rising settlements of Kentucky and Tennessee, and not without its effect, also, on the value of the federal lands north-west of the Ohio. Spain denied the competency of Great Britain to cede to the United States territory conquered and occupied by Spanish troops. She still held the settlements about Natchez, and she claimed that Florida, to which, by her treaty of peace with Great Britain, she had regained the title, extended on the Mississippi as far north at least as the mouth of the Yazoo—a fact conceded, as she alleged, by the secret article in the treaty between Great Britain and the United States. Nor would she allow any claim to the navigation of that part of the Mississippi within exclusively Spanish territory. On the departure of Jay, Carmichael had remained at Madrid as American chargé des affaires. Some offense had been taken by that proud court at the representation there of the United States by a minister of such inferior rank, and it was only on the remonstrances of La Fayette that Carmichael had been allowed to remain.
- 1785 Spain presently sent as minister to the United States M. Gardoqui, a Spanish merchant, and the negotiation had been renewed between him and Jay as secretary for foreign affairs. Meanwhile the jealousy of the southern states, particularly of Georgia, was greatly excited by the negotiation of a close treaty of alliance between the Spanish authorities of Florida and the Creeks, to whom belonged all the eastern part of the present state of Alabama, and all that part of the present state of Georgia west of the Altamaha and Oconee Rivers. The settlers on the Cumberland were severely harassed by the Creeks, supplied with arms and ammunition, and atim-

ulated to hostilities, as was alleged, by French and Spanish traders. CHAPTER
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For the sake of peace, an arrangement of boundaries with Spain, and a treaty of commerce which was very much desired; the delegates in Congress from the northern states were willing to relinquish the navigation of the Mississippi for a limited period of twenty-five or thirty years. The delegates of the seven northern states approved a plan of that sort submitted by Jay. The five southern states warmly opposed it; and they insisted that, under the Articles of Confederation, there was no authority given to make such a concession without the vote of nine states. The same feeling animated the southern Legislatures, and the southern and western people; and a great sectional jealousy was aroused as to the intentions of the northern and eastern states. The seizure by the Spanish garrison at Natchez of some American boats descending the Mississippi produced a great excitement among the western settlers. 1786
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Great Britain still delayed to send a minister to the United States; nor had any progress as yet been made by Adams at London toward a settlement of the points in dispute. As the obstacles to the recovery of British debts were not yet removed, the British still retained the western posts. In New York, however, the Trespass Act of 1783 was declared void by the Supreme Court, as being in conflict with the British treaty—a decision procured by the efforts of Hamilton, who had engaged in the study of the law subsequently to the peace, and had already risen to decided eminence at the bar. This decision at first raised a loud clamor; but Hamilton ably defended it in a series of newspaper essays.

One large portion of the wealthy men of colonial times had been expatriated, and another part had been improv-

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erished by the Revolution. In their place a new money-ed class had sprung up, especially in the eastern states, 1786. men who had grown rich in the course of the war as sutlers, by privateering, by speculations in the fluctuating paper money, and by other operations not always of the most honorable kind. Large claims against their less fortunate neighbors had accumulated in the hands of these men, many of whom were disposed to press their legal rights to the utmost. The sudden fortunes made by the war had introduced a spirit of luxury into the maritime towns, and even the taste and manners of the rural inhabitants had been tainted by the effects of military service, in which so large a part of the male population had been more or less engaged. The fisheries, formerly a chief resource of New England, broken up by the war, had not yet been re-established. The farmers no longer found that market for their produce which the French, American, and British armies had furnished. The large importation of foreign goods, subject to little or no duty, and sold at peace prices, was proving ruinous to all those domestic manufactures and mechanical employments which the non-consumption agreements and the war had created and fostered. Immediately after the peace, the country had been flooded with imported goods, and debts had been unwarily contracted for which there was no means to pay. The imports from Great Britain in the years 1784 and 1785 had amounted in value to thirty millions of dollars, while the exports thither had not exceeded nine millions. The lawyers, whose fees were thought enormous, and who were fast growing rich from the multiplicity of suits with which all the courts abounded, were regarded with no very favorable eyes by the mass of the citizens, impoverished by the same causes to which they owed their wealth. There

was an abundance of discontented persons more or less connected with the late army, deprived by the peace of their accustomed means of support, and without opportunity to engage in productive industry. The community, from these various causes, was fast becoming divided into two embittered factions of creditors and debtors. The certificates of the public debt, parted with at a great discount by the officers and others to whom they had been given, were fast accumulating in the hands of a few speculators able to wait for better times. With the example of the old tenor paper money before their eyes, an opinion gained ground among the people, oppressed by taxes to meet the interest on these debts, that the holders of certificates by purchase were only entitled to receive what they had paid—an opinion which tended to still further depreciation. Others of the debtor party had more extensive views. Stop and tender laws were called for, and in some states were passed. New issues of paper money were demanded, which, by their depreciation, might sweep off the whole mass of debt, public and private. Such issues were made in New York and Rhode Island, in which latter state John Collins had just been elected governor. The Rhode Island paper soon depreciated to eight for one. Laws were enacted to enforce its circulation; but, though similar to those formerly recommended by Congress to support the credit of the Continental money, they were now generally denounced as oppressive and unjust, and obtained for Rhode Island an unenviable notoriety.

Even those states which issued no paper were far from enjoying a sound currency. The excessive importation of foreign goods had drained the country of specie. The circulating medium consisted principally of treasury orders on the state tax collectors, and depreciated certifi-

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cates of state and federal debt. Even among those in favor of meeting the public liabilities by taxation, there was a lack of agreement as to the way in which taxes should be raised. The excessive importation of foreign goods, and the consequent pressure upon domestic manufacturers, had diminished a good deal the old prejudice against customs duties. A party had sprung up in favor of raising a large part of the public revenue in that way, thus reviving the old colonial schemes for the protection of domestic industry by duties upon foreign goods. This, however, was opposed by the merchants as injurious to their interests. They came forward as the champions of free trade, and insisted upon the old system of direct taxation. A large part of the people seemed quite disinclined to submit to either method.

The weakness, for some years past so evident in Congress, had begun to extend to the states. Not only was the idea in circulation of separating into two or three confederacies, but some of the principal states seemed themselves in danger of splitting into fragments.

Immediately after the act of cession passed by North Carolina in 1784, the people of East Tennessee, piqued at being thus disposed of, and alleging that no sufficient provision was made for their defense or the administration of justice, had assembled in convention at Jonesborough to take measures for constituting themselves into an independent state. Notwithstanding the speedy repeal of the act of cession the same year it was passed, and the erection, by the North Carolina Assembly, of the Tennessee counties into a separate judicial and military district, with a Superior Court and a brigadier general of their own, a second convention assembled at Jonesborough, and determined to organize an independent government under the name of the State of FRANK-

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LAND OF FRANKLIN, for both names appear to have been used. A provisional organization was made on the basis of the Constitution of North Carolina, the subject of a permanent constitution being referred to a new convention to meet the next year. Under this provisional arrangement an Assembly met; John Sevier, one of the heroes of King's Mountain, was chosen governor; laws were passed; courts were constituted; new counties were erected; and an address, signed by the speakers of the two houses of Assembly, was transmitted to Governor Martin, informing him that the inhabitants of Washington, Sullivan, and Greene, now the State of Frankland, had declared themselves independent of North Carolina, and no longer considered themselves under her jurisdiction. Governor Martin immediately issued a manifesto, in which he went at length into the alleged grounds of separation, and exhorted all concerned in it to return to their duty. The Assembly of North Carolina, at their next session, though they insisted on their authority, yet adopted moderate measures only, and passed an act of oblivion as to all such as would submit. The Convention for framing a constitution for the new state having met, a draft, proposed by a committee, and very elaborately prepared to secure "the poor and the ruled from being trampled on by the rich and the rulers," was rejected by the Convention, and the provisional form of government already in operation, based on the Constitution of North Carolina, was adopted as the permanent one. The rejected draft had given rise to warm debates, and the partisans of the new government became thus divided into two parties. A third party, in favor of adhering to North Carolina, began now to appear, at the head of which Colonel Tipton placed himself. William Cocke was deputed by the Convention of the new state as a delegate to Congress, with

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CHAPTER XLVI a memorial asking admission into the Union. But he met with no encouragement. The North Carolina party 1785. in Frankland so far rallied, that in the spring of 1786 elections were held in all the counties for members of the North Carolina Assembly. But the state government still maintained its organization; two sets of officers every where claimed authority; party spirit ran high; collisions were frequent; and a civil war seemed to be impending.

Virginia was not a little alarmed by a movement in Washington county of that state, adjoining Frankland, toward a union with it—a movement led by Campbell, one of Sevier's companions in the affair of King's Mountain, and which Patrick Henry, again chosen governor of Virginia on the expiration of Harrison's term, brought with much alarm to the notice of the Assembly. In consequence of this movement in Washington, and the contemporaneous agitation in Kentucky, the Assembly of October. Virginia passed a law similar to that of Pennsylvania, subjecting to the penalties of treason all attempts to erect a new state in any part of her territory, without permission first obtained of the Assembly.

The Legislature of Virginia somewhat reluctantly Nov. followed up this repressive legislation by an act authorizing the election of five delegates from each of the seven counties of Kentucky, to take into consideration the forming an independent government. Should the Convention determine upon it, separation was consented to, provided Congress, before the first of June, 1787, would admit the new state into the Union, and provided further that Kentucky would agree to assume her proportion of the Virginia debt; the navigation of the Ohio to remain forever free and open to all the states; all land titles held under Virginia to be good and valid.

the Virginia land warrants to be located till September, 1788; and no special taxation to be levied on the lands of non-resident proprietors, citizens of the United States. The Convention thus authorized was prevented from meeting, except in number smaller than a quorum, by an expedition against the Indians north of the Ohio, which the people of Kentucky had undertaken without authority either from Virginia or Congress, but justified in their eyes by some recent Indian depredations, the authors of which were not known. Upward of a thousand men assembled in arms, under George Rogers Clark, and marched for the Wabash. At Vincennes they plundered the boats of the Spanish traders, and thus helped to complicate the relations with Spain. But they soon quarreled among themselves, and returned without effecting any thing against the Indians. An application to Virginia, on the part of such members of the Convention as had met at the time appointed, resulted in a new act of the Virginia Assembly, authorizing a new convention to be held the next year.

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The Connecticut settlers at Wyoming, greatly dissatisfied by the refusal of Pennsylvania to confirm their titles, had risen in insurrection against the Pennsylvania authorities. Matters had been accommodated for the moment; but John Franklin, one of the settlers, a man of great energy and perseverance, in repeated visits to Connecticut, had persuaded the old members of the Susquehanna Company to come forward as claimants of the soil of so much of the Valley of Wyoming and the adjacent districts as they had originally purchased of the Indians. The company was reorganized; new shares were created; immigrants were invited; Ethan Allen, of Vermont, was taken into service. The Pennsylvania Assembly at last passed a law confirming the Connecticut

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CHAPTER XLVI. titles of prior date to the decision at Trenton, but the people of Wyoming still resisted the jurisdiction of Pennsylvania, and openly aimed at erecting a state of their own—at least such was the case with the “wild Yankees,” or “Half-share men,” as they were called, the new settlers introduced under the auspices of the Susquehanna Company.

Sept. A convention of the people of Maine was sitting at Portland, to consider the expediency of erecting themselves into an independent state. This, however, was but a trifle compared with disturbances which began to appear in the southern and western counties of Massachusetts. The General Court had voted customs and excise duties, producing a revenue sufficient to meet the interest on the state debt; but it was necessary also to meet the installments of the principal, and to make some response to the repeated requisitions of Congress. The annual state tax amounted to near a million of dollars, and many of the farmers had fallen behindhand in their payments. They were encumbered, besides, with private debts, to which law costs were added. A multitude of suits were pending in all the courts. County conventions, called to complain of grievances, had been followed, in Worcester and the counties west of it, by armed mobs, which prevented the courts from sitting. The real difficulty was the poverty and exhaustion of the country consequent upon the war; the want of a certain and remunerative market for the produce of the farmer, and the depression of domestic manufactures by competition from abroad. But, as often happens in such cases, the popular mind glanced only at the surface. These fundamental difficulties were overlooked. The grievances principally dwelt upon were, the extortions of the lawyers, the aristocratic character of the Senate, the high

salary of the governor, the sessions of the General Court in Boston, the refusal to issue paper money, and especially the recent grant of the "supplementary funds," certain specific taxes, that is, conceded to Congress, in addition to the proposed federal impost, as a means of paying the interest on the federal debt. Nor were there wanting artful, restless, discontented individuals, deceivers rather than deceived, such as always step forth on such occasions for the gratification of their own uncomfortable feelings, or for the sake of a little notoriety, to inflame public discontent, and to flatter popular delusions. The example of the Revolution so lately accomplished naturally enough suggested an appeal to arms and the overthrow of the existing state government as appropriate means for the remedy of social evils. To that point matters in Massachusetts seemed to be fast tending.

The same ideas prevailed also in the neighboring states. Under the new Constitution of New Hampshire, Meshech Weare had been chosen president in 1784, succeeded in 1785 by John Langdon, and the next year by General Sullivan. An armed mob surrounded the Legislature, in session at Exeter, demanding a remission of taxes and an immediate issue of paper money—a project which the Legislature had referred to the people, but upon which no vote had yet been taken. The energetic promptitude of Sullivan succeeded in dispersing this mob without bloodshed.

Alarmed at the aspect of affairs in Massachusetts, Governor Bowdoin called a special session of the General Court. The malcontents had no open advocates in that body; but they were not without strong sympathy there. An attempt was made to satisfy them by yielding to several of their demands. Acts were passed diminishing the legal costs of the collection of debts, and allowing the payment of back taxes and of private debts in certain articles

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CHAPTER XLVI. of produce at specified prices. As the passage of these acts did not seem to allay the public agitation, Bowdoin 1786. called out the militia to protect the sessions of the courts in the southern counties. The Habeas Corpus Act was suspended, not, however, without an address from the General Court, in which pardon for past offenses was offered to all who would give over unlawful proceedings.

This condition of things in Massachusetts attracted the very serious attention of Congress. It was feared that the malcontents, who were very numerous in the western part of the state, might seize the arms in the federal arsenal at Springfield, and muster in sufficient force to overturn the government. Under pretense of raising troops to act Oct. 21. against the northwestern Indians, Congress voted to enlist thirteen hundred men to sustain the government of Massachusetts. A special requisition of about half a million of dollars was made upon the states for the support of these troops, on the credit of which a loan was authorized, it being understood that some wealthy men of Boston would advance the money. But the insurrection had already broken out before these troops could be raised.

Daniel Shays, late a captain in the Continental army, at the head of a thousand armed men or more, took possession of Worcester, and effectually prevented the session Dec. 5. of the Supreme Court in that town. At the head of another smaller body, he repeated the same operation at Dec. 25. Springfield; but, beyond preventing the session of the courts, these insurgents do not seem to have had any plan. Bowdoin called out at once four thousand militia, to serve for thirty days, under the command of General Lincoln. The necessary means to sustain these troops in the field were obtained by loan in Boston. In the depth of one 1787. of the severest of winters, the quotas of the eastern counties assembled at Boston, whence they presently marched Jan. 19.

to Worcester, on their way to Springfield, to relieve General Shepherd, who was guarding the federal arsenal there, at the head of a small body of western militia. The mal-contents had appeared in that neighborhood to the number of near two thousand men, in three bodies, under three different leaders, of whom Shays was the principal. The others were Luke Day and Eli Parsons, from the district west of the river. Shays demanded possession of the arsenal, and approached from Wilbraham to take it. Jan. 20. Shepherd pointed some pieces of cannon against the advancing column; and, when the insurgents persisted in approaching, he gave orders to fire. The first discharge was over their heads; when the pieces were leveled at their ranks, a cry of murder arose from Shays's men, who broke and fled in confusion, leaving three killed and one wounded.

Upon Lincoln's approach the next day, the insurgents retreated toward Amherst. They were followed, but made good their retreat to Pelham, where they took post on two high hills, almost inaccessible by reason of the snow. The weather was very severe, and Lincoln turned aside to Hadley to put his troops under cover. Negotiations ensued. The insurgents offered to disperse on condition of a general pardon; but Lincoln had no authority to make such a promise. While this negotiation was still pending, the insurgents, hard pressed for provisions, broke up their camp and retreated to Petersham, on the borders of Worcester county. As soon as Lincoln was informed of this movement, at six o'clock the same evening he started in pursuit. Pushing on all night through a driving north-east snow-storm, he accomplished a march of forty miles, one of the most remarkable on record, and entered Petersham early the next morning, to the utter astonishment of the insurgents, of whom one hundred and fifty were

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Feb. 3. Meanwhile the General Court had been called together in a new special session. A declaration of rebellion was put forth, and money was voted, and men also, to supply the place of Lincoln's militia, whose term of service would soon expire. The neighboring states were called upon to assist in arresting and dispersing the insurgents, some of whom lurked in their borders, whence they made plundering incursions into Massachusetts, proceeding even so far as to kidnap and carry off some of their most obnoxious opponents. Some eighty of these plunderers from New **Feb. 27.** York, after an attack on Stockbridge, were intercepted by as many militia, and an action ensued, in which two were killed and thirty wounded. New Hampshire, Connecticut, and New York promptly complied with the request of Massachusetts to assist in arresting these refugees. Rhode Island and Vermont were more backward. Some of the leaders fled to Canada, but they found no countenance there.

A free pardon, on laying down their arms and taking the oath of allegiance, was offered to all who had served among the insurgents as privates merely or as non-commissioned officers, with deprivation, however, for three years, of the right to vote, to serve as jurymen, or to be employed as schoolmasters, inn-keepers, or retailers of ardent spirits. A commission was instituted, authorized to confer pardon, on such terms as they might see fit, on those not included in this offer—active leaders, those taken in arms a second time, or such as had fired

upon or wounded any loyal subject of the common-wealth. Of those taken in arms and tried by the courts, fourteen were found guilty of treason and sentenced to death. Many others were convicted of sedition. None, however, were executed; indeed, the punishments inflicted, and the terms imposed by the commission above mentioned, of which seven hundred and ninety persons took the benefit, were in general very moderate. Harsh measures would not have been safe. At least a third of the population were thought to sympathize more or less with the insurgents; and even the slight penalties imposed upon those who submitted did not pass without serious opposition. At the ensuing general election the prevalence of these sentiments became very apparent. The energetic Bowdoin was dropped, and the popular Hancock was reinstated as governor. Many of those, also, who had been most zealous against the insurgents, lost their seats in the General Court.

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These events, during their progress, had excited the liveliest interest throughout the Union, and they tended to confirm the impression, for some time past every where gaining ground, that some extensive political change was absolutely necessary. That which struck every body as the first and most essential step was the reorganization of the federal government, with powers adequate to its important functions.

Hardly, indeed, had the Articles of Confederation been adopted, when the Assembly of New York unanimously recommended a convention to revise and amend them, by giving to Congress an increase of authority. The General Court of Massachusetts had subsequently passed similar resolutions; but, by the representation of their delegates in Congress, had lately been persuaded to repeal them. Commissioners appointed by Maryland, of which

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CHAPTER state General Smallwood had been lately chosen govern-
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or, to arrange, with other commissioners from Virginia,

1785. a compact respecting the navigation of the Potomac, had agreed to recommend a new commission, with authority to fix, subject to the consent of Congress, a tariff of duties, to be enforced by both states. On this question of duties, and, indeed, of commerce generally, Virginia had invited all the states to meet in convention at Annapolis. Eight states had appointed delegates, and those from Virginia, Delaware, Pennsylvania, New Jersey, and New York actually met at the time and place appointed.

Sept. But, finding their number so few, and the powers of several of them very much restricted; considering, also, the alarming aspect of affairs—for Shays's rebellion was just then on the point of breaking out—reflecting, moreover, that the regulation of commerce involved other important political questions, they resolved to recommend a convention of delegates from all the states, to meet at Philadelphia the following May, to consider the Articles of Confederation, and to propose such changes therein as might render them “adequate to the exigencies of the Union.”

This proposal was transmitted to all the state Legislatures, and was presently laid before Congress. After great delays, occasioned by the non-attendance of its members, that body had been organized at last by the election of General St. Clair as president. Whether to take any notice of the proposed Convention was at first a doubtful point, even with those friendly to it. But the seven middle states, from New Jersey to South Carolina inclusive, having come into the measure, and all hopes of an independent federal revenue being finally dashed by the peremptory refusal of the Assembly of New York to grant the impost on terms compatible with the accept-

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ance of Congress : under these circumstances, a resolution was passed giving sanction and approbation to the meeting of the Convention, to which delegates were presently chosen from all the states except Rhode Island. CHAPTER XLVI.
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Shortly after the treaty of peace with England, overtures had been made to Franklin, by the pope's nuncio at Paris, on the subject of appointing a bishop, or vicar apostolic for the United States, to which Congress had replied, that the subject, being purely spiritual, did not fall under their control. The pope, soon after, appointed as his vicar apostolic John Carroll, of Maryland, consecrated afterward Bishop of Baltimore, and ultimately Archbishop of the United States. The Catholics, though in several of the states still liable to some political disqualifications, not entirely removed to this day, had everywhere attained, under the state governments, freedom of worship. In Maryland, where they were most numerous, they had been raised by the state Constitution to full political equality with Protestants. Even in the Puritan city of Boston a Catholic church was presently opened, the first in New England. 1784.
1786.
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The Church of England in America, which had suffered greatly during the war, immediately after the return of peace sought to reorganize itself. Samuel Seabury, minister of New London, at the request of the Episcopalians of Connecticut, proceeded to England to obtain ordination as a bishop. The English bishops, however, under existing acts of Parliament, could raise no one to the episcopal dignity who did not take the oaths of allegiance and acknowledge the King of England as the head of the Church. Under these circumstances, Seabury applied to the Jacobite non-juring bishops of the Episcopal Church of Scotland, by whom he was ordained. There was, however, a strong inclination among the Episcopal 1786
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- ians of America, mostly Low Churchmen, and without any sympathy with the non-resistance politics of the Scottish bishops, to derive, through the heads of the English Church, that uninterrupted and divine tradition from Christ and the apostles, deemed essential to the due administration of the ordinances. A convention, held during Seabury's absence, of delegates from several states, adopted certain resolutions as the basis of a fundamental constitution for the "Protestant Episcopal Church of the United States of America." Another convention, held the next
1785. year, matured this constitution, which was afterward ratified by conventions in the separate states. The title of "lord bishop," and all titles "usually descriptive of temporal power and precedence," were dropped, and the bishops and clergy were declared liable, in case of misbehavior, to deposition from office by the general and state conventions. Some portions of the Liturgy were left out; others were modified to suit republican ideas. A letter was addressed, at the same time, to the English bishops, expressing friendly regards, and the desire to obtain Episcopal ordination for American bishops through their hands. Some demur was made to the constitution of the new Church, particularly the article relating to deposition from office, and to the changes in the Liturgy; but presently an act of Parliament was obtained, under which White, of Philadelphia, Provoost, of New York, and, a year or two afterward, Madison, of Virginia, were ordained as bishops, they constituting, along with Seabury, the validity of whose ordination was expressly acknowledged by the Convention, the nucleus of episcopal authority in
1789. America. At a General Convention held shortly after, the constitution of the new Church was ratified and completed.

Shortly after the peace, Thomas Coke, one of Wes-

ley's ablest coadjutors, and ordained by him as a bishop, arrived at New York, bringing with him Wesley's plan of government and discipline for the Methodist Episcopal Church. This new sect spread rapidly, especially in Maryland and Virginia. It was principally among the wealthy and educated that the Church of England retained its hold. Among the poorer class in the Southern states, where that Church, prior to the Revolution, had been established by law, and where its disestablishment had left many parishes vacant, great inroads began already to be made upon it by the new Wesleyan Church. It had been proposed, at first, to exclude all slaveholders from the Methodist communion; but that exclusion was not persevered in. Out of the efforts of the Methodists and the competition which they excited, there grew a new religious revival, especially in the Middle and Southern states, by which, also, the Baptists and Presbyterians largely profited.

The Presbyterians soon followed the example of the Episcopalians in arranging their church government on a national basis. The Synod of New York and Pennsylvania was divided into four synods, delegates from which annually met in a General Assembly. A sort of alliance had been formed between the Presbyterians and the Congregational churches of New England. The Consociation of Connecticut sent delegates to the General Assembly, not indeed as members, but as friendly ambassadors and allies—a practice afterward imitated by some other of the Congregational associations. In New England, however, the old leaven of Latitudinarianism was still deeply at work among the learned, while among the less educated classes the new doctrine of Universalism began to spread.

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FORMATION OF THE FEDERAL CONSTITUTION.

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THE fourteenth of May was the day appointed for the meeting of the Convention to revise the Articles of Confederation; but seven states were not present till eleven May 25. days later, when the Convention assembled in the chamber of the State House in Philadelphia, in which the Continental Congress, while resident in that city, had been accustomed to hold its sessions, and in which the independence of the United States had been declared. Washington was a member, and so was Franklin, for the two years since his return from Europe president of Pennsylvania. As Franklin could be the only competitor for the place of president of the Convention, the nomination of Washington came gracefully from Robert Morris, on behalf of the Pennsylvania delegation. A secretary was chosen, and a committee appointed to report rules of proceeding.

May 28-9. Upon the report of this committee rules were adopted, copied chiefly from those of Congress. As in Congress each state was to have one vote; seven states were to constitute a quorum; all committees were to be appointed by ballot; the doors were to be closed, and an injunction of secrecy, never removed, was placed on the debates. The members were not even allowed to take copies of the entries on the journal.

Eleven states were soon represented by about fifty delegates from among the most illustrious citizens of the states—men highly distinguished for talents, character,

practical knowledge, and public services. The aged Franklin had sat in the Albany Convention of 1754, in which the first attempt had been made at colonial union. 1797.

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Dickinson, who sat in the present Convention as one of the members from Delaware, William S. Johnson, of Connecticut, and John Rutledge, of South Carolina, had participated in the Stamp Act Congress of 1765. Besides Washington, Dickinson, and Rutledge, who had belonged to the Continental Congress of 1774, there were also present, from among the members of that body, Roger Sherman, of Connecticut, William Livingston, governor of New Jersey, George Read, of Delaware, and George Wythe, of Virginia; and of the signers of the Declaration of Independence—besides Franklin, Read, Wythe, and Sherman—Elbridge Gerry, of Massachusetts, and Robert Morris, George Clymer, and James Wilson, of Pennsylvania. Eighteen members were at the same time delegates to the Continental Congress; and of the whole number there were only twelve who had not sat at some time in that body. The officers of the Revolutionary army were represented by Washington, Mifflin, Hamilton, and Charles Cotesworth Pinckney, who had been colonel of one of the South Carolina regiments, and at one time an aid-de-camp to Washington. Of those members who had come prominently forward since the declaration of independence, the most conspicuous were Hamilton, Madison, and Edmund Randolph, who had lately succeeded Patrick Henry as Governor of Virginia. The members who took the leading part in the debates were Madison, Mason, and Randolph, of Virginia; Gerry, Gorham, and King, of Massachusetts; Wilson, Gouverneur Morris, and Franklin, of Pennsylvania; Johnson, Sherman, and Ellsworth, of Connecticut; Hamilton and Lansing, of New York; Charles Cotes-

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 worth Pinckney and Charles Pinckney, of South Carolina—the latter chosen governor of that state the next 1787. year; Patterson, of New Jersey; Martin, of Maryland; Dickinson, of Delaware; and Williamson, of North Carolina.

The Convention, as a whole, represented, in a marked manner, the talent, intelligence, and especially the conservative sentiment of the country. The democracy had no representatives, except so far as the universal American sentiment was imbued, to a certain degree, with the democratic spirit. Jefferson, the ablest and most enthusiastic defender of the capacity of the people for self-government, was absent in Europe, and that theory, of late, had been thrown a little into the shade by the existing condition of affairs, both state and national. The public creditors, especially, demanded some authority able to make the people pay; and, among a certain class, even monarchy begun to be whispered of as a remedy for popular maladministration.

The Assembly of Rhode Island, under the lead of men without education or sound judgment, and some of them without principle, wholly intent upon wiping out public and private debts by the agency of paper money, refused to elect delegates to the Convention; but a letter was read from some of the wealthiest men and most respectable citizens of that little state, in which they sent their good wishes, and promised their adhesion.

As the Convention had met on the invitation of Virginia, it seemed to belong to the delegates of that state to give a start to the proceedings. Accordingly, Governor Randolph, at the request of his colleagues, opened May 29. the business in a set speech on the inefficiency of the confederation; after which he offered fifteen resolutions suggesting amendments to the existing federal system

These resolutions proposed a national Legislature, to consist of two branches, the members of the first branch to be chosen by the people, and to be apportioned to the states in the ratio of free population or taxes; those of the second branch to be selected by the first branch, out of candidates nominated by the state Legislatures. A separate national executive was proposed, to be chosen by the national Legislature; also a national judiciary; and a council of revision, to consist of the executive and a part of the judiciary, with a qualified negative on every act of legislation, state as well as national. These resolutions of Randolph's, known as the "Virginia plan," were referred to a committee of the whole, as was a sketch submitted by Charles Pinckney, which, in its form and arrangement, seems to have furnished the outline of the Constitution as ultimately adopted. That, however, which is printed as Pinckney's sketch, contains many things which could hardly have been found in the original draft—interpolations, probably, from the subsequent proceedings of the Convention.

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At the very threshold of debate an important question arose, and at every step it threatened to recur, What was the limit of the powers of the Convention? Could the amendment of the Articles of Confederation be carried so far as to establish an entirely new system?

The delegates from the small states saw, or thought they saw, in the establishment of a strong national government, the speedy downfall of state sovereignty. They argued that, by the very terms of its appointment, the authority of the Convention was limited to amendment, without the power so to alter as, in fact, to destroy the existing system. The answer was, that one of Randolph's resolutions proposed to submit whatever might be now agreed upon to the sanction and approval of conventions

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to be specially called for that purpose by the Legislatures of the respective states; and that hence this question of authority was of little consequence, and ought not to deter the Convention from proposing a plan fully adequate to existing difficulties.

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Other questions, intimately connected with the preceding, related to the ratio of representation and the rule of voting in the national Legislature, whether it should be by states or by the individual members. The small states desired to retain that equal vote which, under the Confederation, they already possessed—a point, indeed, which the members from Delaware had express instructions not to yield. The larger states, on the other hand, were firmly resolved to secure to themselves, under the new arrangement, a weight proportionate to their superior wealth and numbers.

During the discussion of Randolph's resolutions in Committee of the Whole, deep differences of opinion became manifest upon these points. The plan, however, of a national government, based upon proportionate representation, was supported by a majority of the states present. The party of the smaller states, or what may be called the State Rights party, included the delegates from Connecticut, New Jersey, Delaware, and a majority of those from Maryland and New York. The party of the larger states, or National party, included not only the delegates from Virginia, Massachusetts, and Pennsylvania, but also those from the two Carolinas and Georgia, states which anticipated a very rapid increase of population. Indeed, they flattered themselves with the idea of having, within no very distant period, a greater number of people than all the rest of the Union together. North Carolina, it should be recollected, included the present state of Tennessee, and Georgia the present states of Alabama and

Mississippi—vast tracts, of which the settlement had CHAPTER XLVII. hardly begun. The states thus stood six for the national view to five for the state rights view. Under this aspect, the absence of Rhode Island and New Hampshire was a very fortunate circumstance. Had they been present to side with the small states, the adoption of any truly national plan of government would have been rendered very difficult, if not impossible. 1787.

This party division of large and small states, involving the question of a national, self-acting central government, or of a mere confederation, lay at the bottom of all the earlier discussions in the Convention; but on collateral questions, the delegates, as we shall see, were more or less influenced by other considerations.

The election by the people of the first branch of the national Legislature was opposed by Sherman, who thought the less the people had to do immediately about the government the better. He was very warmly supported by Gerry, to whose confidence in the people the late rebellion of Shays had given a severe shock. "All the evils we experience," said Gerry, "flow from excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. In Massachusetts they are daily misled into the most baleful measures and opinions. He had been too republican heretofore, but had been taught by experience the danger of a leveling spirit." The South Carolina delegates esteemed a choice by the people impracticable in a scattered population. Wilson, Madison, and Mason argued very ably that no republican government could stand without popular confidence, which confidence could only be secured by giving to the people the election of one branch of the Legislature. Gerry's colleagues went against him, and the election by the people was carried; New Jersey and South Carolina against it, Connecticut and Delaware divided.

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On the question of the time for which the members of this first branch should be elected, there seemed to be a change of sides. Sherman moved one year, and Gerry strenuously supported it. Madison proposed three years, and that term was agreed to; Massachusetts, Connecticut, and the two Carolinas against it.

The term of seven years for the members of the second branch of the national Legislature was earnestly urged by Madison and Randolph. "The democratic licentiousness of the state Legislatures prove," said Randolph, "the necessity of a firm Senate." Sherman thought the term of seven years too long. If the members did well, they would be re-elected; if not, the sooner they were got rid of the better. Seven years was agreed to; Connecticut against it, Massachusetts and New York divided.

How the members of this second branch should be chosen was a point still more warmly discussed. Wilson was zealous for their election by the people, but only Pennsylvania supported him. Read proposed their appointment by the executive out of candidates to be nominated by the state Legislatures, but this motion was not seconded. Dickinson, supported by the smaller states, insisted upon the election of the members of the second branch by the state Legislatures, and that point, after considerable opposition, was at length conceded. But the national party steadily refused to yield what the smaller states still more earnestly demanded, an equality of representation in this second branch. It was carried, six states to five, that the same ratio of representation should prevail in both branches.

By what should that ratio be determined? Sherman suggested the number of free inhabitants. Rutledge and Butler, of South Carolina, insisting that money was power, proposed that representation should be in proportion

to rates of contribution. But if the revenue, or a part of it, were raised by duties on imports, how were rates of contribution to be determined? Wilson suggested the ratio recommended by Congress as an amendment to the Articles of Confederation on the subject of rates of contribution, and already assented to by eleven states—the number of free citizens and three fifths of all other persons. This was opposed by Gerry, on the ground that persons, and not property, ought to be the basis of representation; but it passed, only New Jersey and Delaware voting against it. CHAPTER
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The constitution of the Legislature being disposed of, attention was turned to the executive. Should it consist of one person or of several? Some hesitation appeared at expressing an opinion on this point, the members looking round at each other before venturing to avow themselves. At length Wilson moved that it be composed of a single person. This motion was zealously supported by C. Pinckney, Rutledge, and Gerry. Randolph opposed it violently. He denounced unity in the executive office as "the fœtus of monarchy." It was carried, however; New York, Delaware, and Maryland in the negative.

Wilson then proposed, not without expressing some apprehensions that his opinion on that point might be thought chimerical, the election of the national executive directly by the people. Sherman proposed an election by the Legislature, and an executive completely dependent upon it. Mason inclined to favor an election by the people, but thought it impracticable. Wilson then proposed a college of electors, to be chosen by the people, the states to be divided into districts for that purpose. Gerry inclined to this plan, but feared it would alarm the partisans of state rights. Only Maryland and Pennsylvania

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voted for it. Gerry proposed an election by the executives of the states ; but this proposition obtained no votes.

1787. No change could be agreed upon ; and the election by the national Legislature stood as a part of the plan. Sherman, Wilson, and others, were in favor of three years, with re-eligibility, as the term of office. Mason suggested seven years, and ineligibility afterward, as the best means of preventing intrigues between the Legislature and the executive, likely to result in the election of unqualified persons. This motion was carried ; Connecticut, the two Carolinas, and Georgia against it ; Massachusetts divided.

Franklin was opposed to giving the executive any salary beyond his expenses, and, in general, to any high salaries, as adding the temptation of avarice to that of ambition, and tending to throw the administration of the government into the hands of the violent, bold, and selfish, to the exclusion of the wise, moderate, and disinterested. He read a speech to that effect, to which the Convention listened with marked attention ; but his views were regarded as visionary and impracticable.

The constitution of the judiciary next came up. Wilson proposed to give the appointment of the judges to the executive ; but this was opposed by Rutledge and Franklin. Objecting to their choice by the Legislature as leading to intrigue and the selection of unfit persons, Madison suggested their appointment by the second branch of the Legislature, which prevailed unanimously.

The Council of Revision, as proposed in Randolph's resolutions—borrowed from the Constitution of New York—was not agreed to. On Gerry's suggestion, a modified veto—imitated from the Constitution of Massachusetts—was substituted ; a vote of three fourths in both branches being necessary to pass laws objected to by the

executive. Hamilton and Wilson wished to make this veto absolute; but against that the vote was unanimous. CHAPTER XLVII

An attempt to secure for the national Legislature a veto upon all state laws—opposed by Randolph and Mason, supported by Wilson, Madison, and C. Pinckney—was voted for by the three largest states. A veto upon all state laws contrary to the Articles of Union, or to treaties with foreign powers, was conceded.

The Virginia plan, as thus modified in committee, and, after a fortnight's debate, reported back to the House, provided for a national Legislature, to consist of two branches, the members of the first branch to be chosen by the people for three years, those of the second branch to be elected by the state Legislatures for seven years; the members of both branches to be apportioned to the states according to the whole number of their free citizens, and three fifths of all others, now familiarly known as the Federal Ratio. This national Legislature was to possess all the legislative powers vested in Congress by the Articles of Confederation, with additional authority to legislate in all cases for which the states were incompetent, or in which legislation on their part would be "inconsistent with the harmony of the Union." It was to possess, besides, a negative upon all state laws contrary to the Articles of Union, or inconsistent with foreign treaties. Its members were to be paid out of the national treasury, and to be ineligible to any office, state or national, during the term of their membership, or for one year after.

The national executive was to consist of a single person, to be chosen by the national Legislature for the term of seven years, and ineligible a second time; with power to carry into execution the national laws; to appoint to office in all cases not otherwise provided for; and endow-

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ed with a veto on all laws returned with objections, and not subsequently sustained by a vote of three fourths in 1787. both branches of the Legislature.

The national judiciary was to be composed of a Supreme Court, the judges to be appointed by the second branch of the Legislature, and to hold office during good behavior; and of such inferior tribunals as the national Legislature might see fit to establish.

The points most strongly contested, passed by at first, had been taken up again after the others were settled. One of the last acts of the committee had been the determination not to give the states an equality in the second branch of the Legislature. That determination produced a great excitement; and Patterson, of New Jersey, so soon as the Committee of the Whole had reported, brought forward a counter scheme, the "New Jersey plan," the project of the State Rights party.

June 15

According to this scheme, the existing Continental Congress was to be preserved as the federal Legislature, with additional powers to levy duties on foreign importations; to impose stamp and postage taxes; to collect, by its own authority, requisitions not promptly met by the states; and to regulate trade with foreign nations. A plural federal executive was proposed, and a federal judiciary. Acts of Congress and foreign treaties were to be the supreme law.

This counter project, and the Virginia plan, as just reported to the House, were referred to a new Committee of the Whole; and the entire question of a national government or not had again to be gone over.

The New Jersey plan was supported by Patterson, and by Lansing, of New York, principally on the ground of want of power in the Convention, and the impossibility of inducing the states to go the length of the other

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Habitat
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people for three years; a Senate, to be chosen by electors chosen by the people, to hold office during good behavior; and a governor, chosen also for good behavior, by a similar but more complicated process. The judiciary resembled that of the other plans. The governor was to have an absolute negative upon all laws, and the appointment of all officers, subject, however, to the approval of the Senate. The governors of the states were to be appointed by the general government, and were to have a negative upon all state laws. The power of declaring war and ratifying treaties was to be vested in the Senate. It is worthy of remark, that governments on Hamilton's plan, since established in several of the Spanish American republics, have failed entirely of that strength and stability which he was so anxious to secure. Having declared his views, Hamilton presently left the Convention on a six weeks' absence, the representation of New York remaining with his two colleagues, both of whom were wholly devoted to the State Rights party.

The debate on the New Jersey plan was confined to the question of amending the old articles or framing a new system, and it speedily resulted in reporting back to the House the national plan, as agreed to by the former committee. Only New York, New Jersey, and Delaware voted in the negative. Owing to the absence of Martin, Maryland was divided; Connecticut voted this time with the larger states. The Connecticut delegates aspired, in fact, to act as mediators between the contending parties in the Convention—an office, as we shall presently see, which they had more than one opportunity to exercise.

The report of the Committee of the Whole being now taken up, each article was separately considered anew, many alterations were suggested, and several were made

On motion of Ellsworth, "government of the United States" was substituted instead of "national government;" but this change of phraseology, designed to gratify the smaller states, did not touch the great question of the degree of power which the states were to possess under the new system; how far they were to control it, and how far they were to be controlled by it. The principal item of this question was the ratio of representation in the national Legislature; and the discussion on that point was again renewed with great ardor, and even acrimony. Alarmed at the state of feeling thus exhibited, Franklin sought to allay the rising storm by an appeal to religious ideas. He moved that a chaplain be appointed, and that prayers be read in the Convention. The motion, however, was evaded by an adjournment. It was feared, according to Madison, lest prayers for the first time, at that late day, might alarm the public, by giving an impression that matters were already desperate. After a very warm debate, in which Martin took the lead for the State Rights party, a proportional representation in the first branch of the Legislature was retained by the same vote as before, except that Maryland was now divided. Defeated on this point, the State Rights party bent all their energy to secure an equality of votes in the second branch. Ellsworth strenuously urged it, as a compromise between the large and small states; but, after an energetic debate, his motion to that effect was lost by a tie vote, Maryland going with the State Rights party, Georgia divided. The excitement was now so great, and the delegates of the State Rights party were so totally dissatisfied, that the Convention seemed in danger of breaking up or splitting. As a last resource, Sherman proposed, and the Convention appointed, a grand committee of conference of one member from each state; and

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July 2

CHAPTER XLVII to give time for consultation, and opportunity to celebrate the anniversary of independence, the Convention adjourned over for three days.

In the Committee of Conference, Franklin proposed, and this proposition was reluctantly submitted to by the other members from the larger states, that while in the first branch of the national Legislature there should be one representative for every forty thousand persons (according to the three fifths ratio), in the other branch the states should be equally represented; all money bills to originate with the first branch.

July 5 This report was received by the State Rights party with great exultation as a decided triumph. The more zealous of the National party were not a little mortified, and some very warm discussion ensued as to the equal vote in the second branch. But attention was soon drawn off to that part of the report which related to the ratio of representation in the first branch—a topic, in the consideration of which new questions arose, leading to new combinations, and new conflicts of interest and opinion. Should the number of representatives from each state be fixed, or should it vary with the changing condition of the states? If new states were admitted, ought they to come in on an equal footing, or should the original states secure for themselves a permanent majority? Ought wealth to be represented? if so, in what way? Of how many representatives should the first branch consist, and how should they be distributed at the first organization? These questions developed a Northern and a Southern party; the southern states, by reason of their negroes and staple products, being esteemed the wealthier portion of the Union, and, judging from the experience of the last fifty years, the most likely to increase rapidly in population.

The number and apportionment of the members of the

first branch being referred to a select committee of five, CHAPTER
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 that committee reported a House of fifty-six members, distributed among the states according to an estimate 1787
 of wealth and population combined; the future distribution to be regulated by the Legislature on the principle of wealth and numbers. Fifty-six members were deemed too few; nor was the particular distribution satisfactory. This part of the report was referred to a new committee, which proposed that temporary apportionment ultimately introduced into the Constitution, Virginia being allowed ten members, Massachusetts and Pennsylvania eight each, New York and Maryland six each, Connecticut and the two Carolinas five each, New Jersey four, New Hampshire and Georgia three each, Rhode Island and Delaware one each, making a House of sixty-five members. July 10

What should be the rule of apportionment in future was not so easily settled. Patterson considered a mere reference to wealth and numbers too vague. He could regard negro slaves in no light but as property. "Has a man in Virginia a number of votes in proportion to the number of his slaves? If negroes are not represented in the states to which they belong, why should they be represented in the general government? What is the true principle of representation? It is an expedient by which an assembly of certain individuals chosen by the people is substituted in place of the inconvenient meeting of the people themselves. If such a meeting of the people were actually to take place, would the slaves vote? Why, then, should they be represented? He was against such an indirect encouragement of the slave trade. Congress, in their act concerning quotas, had been ashamed to use the word 'slaves,' and had substituted a description." Admitting the soundness of this general doctrine, Madi-

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son contended that it ought forever to silence the pretensions of the smaller states to an equal vote in either branch. He suggested that in the first branch the number of free inhabitants might determine the number of representatives, while the second branch, which had for one of its primary objects the guardianship of property, might be based on the whole number, slaves included.

King had always expected that, as the southern states were the richest, they would not league themselves with the northern states unless some respect were paid to their superior wealth. "If the northern states expect those preferential distinctions in commerce, and other advantages which they will derive from the connection, they must be ready to allow some advantages in return. Eleven out of the thirteen states have agreed to consider slaves in the apportionment of taxation, and taxation and representation ought to go together."

Gouverneur Morris expressed great apprehensions of new states to be formed in the West; and for the avowed purpose of putting it into the power of the old states to maintain their political preponderancy, he proposed to leave the future apportionment of members of the first branch to the discretion of the Legislature. Rutledge concurred with him; but Randolph, Mason, and Wilson objected that this would put the majority into the power of the minority. Unless some precise provision were made beforehand, it would be difficult or impossible to bring about a periodical apportionment. If new states were admitted, they must come in on an equality with the old ones. Randolph therefore proposed that future apportionments should be regulated by a periodical census. Williamson moved, as a substitute, to reckon in this census the whole number of freemen, and three fifths of all others. Butler and C. C. Pinckney insisted, on the other hand, that

all the slaves ought to be counted. Gerry thought that, to say the least, three fifths were quite enough. Gor-
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 ham supported the proposition of Williamson as most fairly representing, on the whole, the relative wealth of the states, Congress having recommended it, on that very account, as the basis of state quotas. The southern states had opposed that basis on the ground that three freemen were superior in productive power to five slaves; but now, on this question of representation, they argued that slaves were quite as productive as freemen. Williamson reminded Gorham that when the matter was debated in Congress, the question then being a question of taxation, the delegates from the northern states argued so too. But neither then nor now did he concur with either extreme; he approved the three fifths ratio then, and he approved it still. Butler insisted "that the labor of a slave in South Carolina was as productive and valuable as that of a freeman in Massachusetts; that, as wealth was the great means of defense and utility to the nation, slaves were equally valuable to it with freemen; and that an equal representation ought to be allowed for them in a government instituted principally for the protection of property, and itself to be supported by property." Mason remarked that slaves raised the value of land, and increased the exports and imports. Being thus useful to the community, they ought not to be excluded from the estimate of representation. But he did not think them equal to freemen, and could not vote for them as such. Gouverneur Morris, though a great stickler for the representation of property, strongly opposed, and for that very reason, the three fifths clause. He denounced it as "an encouragement to the slave trade, and an injustice to human nature;" but to protect the rights of human nature was not his chief anxiety. By the ap- 1787.

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portionment, as already agreed to, the northern and commercial states had a majority; Morris wished to give 1787. them the power of keeping it, and, for that purpose, to avoid any decision of this question of future apportionments. Anxious also to give to property a predominating weight, he was opposed to any merely numerical ratio. Wilson did not well see on what principle the admission of three fifths of the blacks could be explained. "Are they admitted as citizens—then why not on an equality with white citizens? Are they admitted as property—then why is not other property admitted into the computation?" These were difficulties, however, which he thought must be overruled by the necessity of compromise; though he did feel some apprehension that the people of Pennsylvania would be disgusted at this "blending of blacks and whites."

Butler's motion to count blacks equally with whites was rejected, Delaware, South Carolina, and Georgia voting for it; the three fifths clause, moved by Williamson as a substitute for Randolph's proposition, was voted down, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina against it; Randolph's periodical census was also rejected. The question then recurring on the report of the special committee authorizing the Legislature to regulate future apportionments according to the principle of wealth and numbers, Gouverneur Morris moved a preliminary proviso that taxation should be in proportion to representation, which, being restricted to direct taxation, was unanimously agreed to. Davie, of North Carolina, hitherto a silent member, now rose and declared that "it was time to speak out. He saw that it was meant by some gentlemen to deprive the southern states of any share of representation for their blacks. He was sure that North

Carolina would never confederate on any terms that did not rate them at least as three fifths. If the eastern states meant, therefore, to exclude them altogether, the business was at an end." Upon this declaration, the Connecticut delegates stepped in as compromisers. Johnson declared that, in his opinion, population was the best test of wealth, and that the whole population, black as well as white, ought to be counted. Ellsworth joined with Randolph in renewing Williamson's proposition, with a change, however, in the phraseology, by which the three fifths clause was first introduced as the basis of taxation, and then taxation made the basis of representation. A new proposition to count the blacks equally with the whites was rejected, South Carolina and Georgia for it, Delaware divided; after which the three fifths ratio was finally carried, New Jersey and Delaware against it, Massachusetts and South Carolina divided.

This parenthetical discussion having made it apparent that the conflict of interests between large and small states was in reality less radical and vital than that between slaveholding and non-slaveholding, planting and commercial, Atlantic and western states, the equal vote in the second branch began now to be regarded with somewhat less of repugnancy. One more attempt, however, was made, when the question came up on accepting the report of the Grand Committee as thus amended and modified, to avoid an absolute equality in the second branch. Charles Pinckney proposed that it should consist of thirty-six members, Virginia to have five, Massachusetts and Pennsylvania four each, Connecticut, New York, Maryland, and the two Carolinas three each, New Hampshire and Georgia two each, Rhode Island and Delaware one each—a proposition earnestly supported by King, Madison, and Wilson, to whom Sherman and Ells-

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CHAPTER XLVII worth ably replied. Strong and Gerry thought it necessary to sustain the report as the only chance of agreeing.

1787. Pinckney's motion was lost, four to six, and the amended report was then adopted, Connecticut, New Jersey, Delaware, Maryland, and North Carolina for it; Pennsylvania, Virginia, South Carolina, and Georgia against it; Massachusetts divided. New York was no longer represented. Yates and Lansing, disgusted at the disposition of the State Rights party to concede a proportionate representation in the first branch of the national Legislature, had left the Convention some days before. Hamilton had not yet returned.

A good deal mortified by the acceptance of the Grand Committee's modified report, Randolph moved an adjournment, "that the large states might consider the steps proper to be taken in the present solemn crisis, and that the small states might also deliberate on the means of conciliation." Affecting to understand Randolph as proposing in substance to break up the Convention and return home, Patterson replied with no little spirit. "He thought it was, indeed, high time to adjourn; that the rule of secrecy ought to be rescinded, and their constituents consulted. No conciliation could be admissible on the part of the smaller states on any other ground than equality of votes in the second branch. If Mr. Randolph would reduce to form his motion to adjourn *sine die*, he would second it with all his heart." Randolph disclaimed any idea of adjourning *sine die*; he only wished, he said, to adjourn till the morrow, to devise, if possible, some conciliatory expedient; or, in case the small states continued to hold back, to take such measures—what, he would not say—as might seem necessary.

The adjournment was carried, and a consultation was held by the delegates from the larger states. Some pro-

posed, if the smaller states would not yield, to secede, and form a separate constitution; but for this few were ready. CHAPTER
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Nothing could be agreed upon; the smaller states took 1787
courage from the division among their opponents; and
a motion the next day to reconsider having failed, the July 17
Convention proceeded with the remaining articles of the
report of the Committee of the Whole.

About a week after this important matter had been decided, Gilman and Langdon took seats in the Convention July 23
as delegates from New Hampshire, thus supplying the
place left vacant by the absence of New York.

Besides the great points of which the history has just been given at length, several other modifications were made in the provisions respecting the national Legislature. Qualifications of age were adopted, twenty-five years for the first branch, and thirty years for the second. The term of service in the first branch was reduced to two years; that for the second branch was fixed at six years—one third of the members to go out biennially. Two members for this branch, to vote individually, were assigned to each state. In spite of Madison's strenuous opposition, the veto upon state laws, inconsistent with the Articles of Union or with treaties, was struck out; but a substitute was provided in a clause borrowed from the New Jersey plan, by which the constitutional acts of Congress and treaties with foreign powers were made the supreme law of the land.

The Legislature thus disposed of, the provisions respecting the Executive were discussed with great earnestness and contrariety of opinion, but with comparatively little of those party heats and conflicts of interest called forth by the constitution of the Legislature. On the three main points of re-eligibility, method of choice, and term of office, it was found very difficult to reach any

CHAPTER XLVII. satisfactory conclusion. After two warm debates, in which Gouverneur Morris and King maintained the af-

1787. firmative, and Randolph and Martin the negative, the ineligibility for a second term was struck out, but afterward it was reinstated. Nor could any change be carried in the term of office—a question intimately connected with that of re-eligibility—though every variety was tried, from good behavior to six years, which was once agreed to, and then reconsidered. In the interval between carrying the re-eligibility and striking it out, those who opposed it became advocates for a long term, fearing lest re-eligibility, especially if the choice were made by the national Legislature, might render the executive a mere tool of that body. On this ground, New Jersey, Delaware, Pennsylvania, and Virginia voted once for good behavior as the term of executive office. The discussion as to the method of choice revived, to some extent, the jealousy between the smaller and the larger states. Once it was voted that the choice should be by electors appointed by the state Legislatures, and an allotment of electors for the first choice was agreed to, the larger states to have three each, those of a middle size two; and the smallest one each; but this was reconsidered, and a choice by the national Legislature reinstated.

In the articles relating to the judiciary, no essential change was made.

The amended report of the Committee of the Whole having been accepted by the Convention, was referred, along with Patterson's New Jersey plan and the draft of Charles Pinckney, to a Committee of Detail, consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson.

Instructions to this committee to report property qualifications for the executive, and the members of the Legislature and the judiciary, were moved by Mason and the

Pinckneys. Supported by Madison and Gerry, this proposition was opposed by Dickinson, one of the wealthiest men in the Convention. He doubted the policy of interweaving into a republican constitution a veneration for wealth. He had always understood that a veneration for poverty and virtue were the objects of republican encouragement. It seemed improper that any man of merit should be subjected to disabilities in a republic where merit was understood to form the great title to public trusts, honors, and rewards. He thought the object aimed at might better be obtained by limiting the federal right of suffrage to freeholders. The instructions, however, were carried, Delaware, Connecticut, and Pennsylvania in the negative. Another instruction, that public debtors should be disqualified to sit in the Legislature, failed to pass; only North Carolina and Georgia voted for it.

After a ten days' adjournment, the Committee of Detail brought in their report—a rough sketch of the Constitution as it now stands. This draft gave to the national Legislature the name of Congress, the first branch to be called the House of Representatives, the second branch the Senate. The name of President was given to the executive. The powers of Congress being stated with a good deal of detail, some new provisions of no small importance had been introduced by the committee. On the strength, apparently, of a hint from C. C. Pinckney, that without something of the sort he should vote against the report, it was provided that no duties should be laid on exports, nor on the migration or importation of such persons as the several states might think proper to admit, nor was such migration or importation to be prohibited. No navigation act was to be passed except by a vote of two thirds. There were several other new pro-

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visions, but none which excited so much feeling as these, evidence of which soon appeared in the Convention.

- / 1787. By the new draft, as now by the Constitution, all who were entitled in the respective states to vote for members of the most numerous branch of the state Legislature, were to be entitled to vote also for members of the House of Representatives of the United States. Gouverneur Morris was warm for a freehold qualification, which was also supported by Dickinson, and partially by Madison; but Wilson, Ellsworth, Rutledge, and Mason replied, that the greater part of the states had extended the right of suffrage beyond that limit, and that it would never answer to exclude any who participated in the state governments from participation in that of the Union. / Franklin was decidedly opposed to any restriction on the right of suffrage. "It is of great consequence," he said, "that we should not depress the virtue and public spirit of our common people, of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it. He did not think that the elected had any right, in any case, to narrow the privileges of the electors." The motion of Morris failed, only Delaware voting for it.

By the draft, as reported, three years' citizenship was required for representatives and four years for senators. Mason proposed seven years for representatives, which was adopted, Connecticut in the negative. Gouverneur Morris proposed fourteen years for senators. This motion, supported by C. Pinckney, Butler, and Mason, was opposed by Ellsworth, Madison, and Randolph, and very earnestly by Franklin, and by Wilson, who alluded to the fact that he and two of his colleagues were foreign born, and might, if the ideas of some gentlemen were adopted, be excluded from the possibility of holding office

under the very Constitution they had assisted to frame. CHAPTER
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Nine years was the term finally agreed to for senators.
Wilson attempted to reduce the term for representatives 1787.
to four years, but without success.

The draft, notwithstanding the instructions to the committee, instead of reporting property qualifications for office holders, left that matter to be settled by Congress. C. Pinckney "was opposed to the establishment of an undue aristocratic influence ; but he thought it essential that the members of the Legislature, the executive, and the judges should be possessed of competent property to make them independent and respectable. Were he to fix the quantum, he should not think of less than \$100,000 for the President, half as much for each of the judges, and in like proportion for the members of the Legislature." A motion which he made for inserting property qualifications, leaving the sums blank, was seconded by Rutledge ; but the whole project was opposed ; by Franklin, and abandoned on the ground stated by Ellsworth, on behalf of the committee, that no property qualifications could be fixed that would answer equally well in all the states.

The disqualification for office of members of Congress during the term for which they were elected was very warmly opposed by Wilson, C. Pinckney, and Gouverneur Morris. Mason, Randolph, Sherman, and Gerry were equally zealous the other way. After a great deal of discussion, at different stages, this disqualification was finally limited to offices created, or the salaries of which had been increased during the term of membership ; but no person could hold any civil office under the authority of the United States, and be, at the same time, a member of Congress.

A power given to Congress, in the draft, to emit bills of

CHAPTER credit, was struck out on the motion of Gouverneur Mor-
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1787. "If the United States had credit, such bills would be unnecessary; if they had not, unjust and useless."

By a subsequent clause, the emission of bills of credit by the states was expressly prohibited, or the making any thing but gold and silver a tender for the payment of debts—a proposition supported by Ellsworth and Sherman, who thought this a favorable opportunity "for shutting and barring the door against paper money." Such was the general sentiment; but Virginia voted against it. The restriction upon paper money, originally enacted by the British Parliament, was thus incorporated, in a form still more stringent, into the Federal Constitution. Prohibitions were added against the enactment, by the states, of tender laws, *ex post facto* laws, attainders, or laws impairing the obligation of contracts, the imposition of duties on imports, the granting titles of nobility, the issue of letters of marque and reprisal, the maintenance of troops or armed vessels in time of peace, or the formation of treaties with foreign powers.

The question who should control the militia excited a very warm debate. That subject was referred to a grand committee of one from each state, and upon their report, the clauses, as they now stand in the Constitution, were agreed to, authorizing Congress to provide for organizing, arming, and disciplining the militia, and calling them out to execute the laws of the Union, suppress insurrections, and repel invasions, but reserving to the states respectively the appointment of officers, and authority to train the militia according to the discipline prescribed by Congress.

But the subjects which excited altogether the most feeling were taxes on exports, the regulation of commerce, and the migration or importation of such persons

as any of the states might choose to admit—in plain terms, CHAPTER XLVII the importation of African slaves. The southern states, exporting largely, were decidedly opposed to duties on ex-ports, to which the northern delegates, those particularly from Pennsylvania, looked as an equitable and necessary source of revenue—an important means of paying the public debt. The eastern ship-owning states, in hopes to secure a preference over foreign shipping, were very anxious to empower Congress to enact navigation laws—a point as to which the middle states were comparatively indifferent; while the southern exporting states dreaded any such laws as likely to enhance the cost of transportation. The sentiment was common to Virginia and all the states north of it—at least among the intelligent and educated—that slavery was cruel and unjust; in plain violation of those rights of man proclaimed as the foundation of the Revolution, and inconsistent with the doctrines assumed as the basis of the American constitutions. The delegates from Virginia and Maryland hostile to export duties and to navigation laws, were still more warmly opposed to the African slave trade. In this feeling the delegates from the eastern and middle states concurred; but those from Massachusetts thought more about navigation laws, and those from Pennsylvania about the taxation of exports; while those from Connecticut were willing to make almost any sacrifice for the sake of getting the others to agree.

The prohibition of the African slave trade was no new idea. The Continental Congress, while releasing the colonies from other provisions of the American Association, had expressly resolved “that no slave be imported into any of the United States.” So long as the war lasted, the British cruisers had effectually secured the observance of this resolution. Delaware by her Constitution, Virginia and Maryland by special laws, had prohibited the importation

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CHAPTER of slaves. Similar prohibitions were in force in all the more
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northern states; but they did not prevent the merchants of

1787. those states from carrying on the slave trade elsewhere, and

Triangular
TRADE *
/ already some New England ships were engaged in an in-
famous traffic from the coast of Africa to Georgia and the

Carolinas. Intoxicated by the immediate profits of slavery, deluded by false hopes of a vast influx of wealth and population, and forgetful of the pledges made in the face of the world by their concurrence in the Declaration of Independence, Georgia and South Carolina were fully determined to maintain, not the institution of slavery only, but the African slave trade also. The further importation of slaves into North Carolina was not yet prohibited; but that state had shown a disposition to conform to the policy of her northern sisters, by an act which denounced the further introduction of slaves into the state as "highly impolitic," and imposed a duty on future importations.

The report of the Committee of Detail had very much inflamed the zeal of the northern delegates against slavery. They considered it a grievance indeed, that, while any restriction on the importation of Africans was forbidden, the South should be indulged by requiring a vote of two thirds for the enactment of navigation laws, and by the absolute prohibition of the taxation of exports. This feeling of dissatisfaction found expression at the earliest opportunity. When the apportionment clause came before the Convention in the new draft, King denounced "the admission of slaves as a most grievous circumstance to his mind, and he believed it would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore, because he had hoped that this concession would have produced a readiness, which had not been manifested, to strengthen the general government. The report of the committee put

an end to all those hopes. The importation of slaves could not be prohibited; exports could not be taxed. If slaves are to be imported, shall not the exports produced by their labor supply a revenue to help the government defend their masters? There was so much inequality and unreasonableness in all this, that the people of the northern states could never be reconciled to it. He had hoped that some accommodation would have taken place on this subject; that at least a time would have been limited for the importation of slaves. He never could agree to let them be imported without limitation, and then be represented in the national Legislature. Either slaves should not be represented, or exports should be taxable." CHAPTER XLVII
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Gouverneur Morris, still more vexed and disappointed, broke out into an eloquent denunciation of slavery. "It was a nefarious institution. It was the curse of Heaven on the states where it prevailed. Compare the free regions of the middle states, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other states having slaves. Travel through the whole continent, and you behold the prospect continually varying with the appearance and disappearance of slavery. The moment you leave the eastern states and enter New York, the effects of the institution become visible. Passing through the Jerseys and entering Pennsylvania, every criterion of superior improvement testifies to the change. Proceed southwardly, and every step you take through the great region of slaves presents a desert, increasing with the increasing proportion of those wretched beings. Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them

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citizens, and let them vote. Are they property? Why, then, is no other property included? The houses in this 1787. city"—Philadelphia—"are worth more than all the wretched slaves that cover the rice swamps of South Carolina. The admission of slaves into the representation, when fairly explained, comes to this, that the inhabitant of Georgia and South Carolina, who goes to the coast of Africa in defiance of the most sacred laws of humanity, tears away his fellow-creatures from their dearest connections, and damns them to the most cruel bondage, shall have more votes in a government instituted for protection of the rights of mankind than the citizen of Pennsylvania and New Jersey, who views with a laudable horror so nefarious a practice. He would add, that domestic slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of aristocracy. And what is the proposed compensation to the northern states for a sacrifice of every principle of right, every impulse of humanity? They are to bind themselves to march their militia, for the defense of the southern states, against those very slaves of whom they complain. They must supply vessels and seamen in case of foreign attack. The Legislature will have indefinite power to tax them by excoises and duties on imports, both of which will fall heavier on them than on the southern inhabitants; for the Bohea tea used by a northern freeman will pay more tax than the whole consumption of the miserable slave, which consists of nothing more than his physical subsistence and the rag which covers his nakedness. On the other side, the southern states are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack and the difficulty of defense; nay, they are to be

encouraged to it by an assurance of having their votes in the national government increased in proportion, and, at the same time, are to have their slaves and their exports exempt from all contribution to the public service. Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the general government can stretch its hand directly into the pockets of the people, scattered over so vast a country. They can only do it through the medium of exports, imports, and exoises. For what, then, are all these sacrifices to be made? He would sooner submit himself to a tax for paying for all the negroes in the United States than saddle posterity with such a Constitution." He moved to confine the representation to free inhabitants.

Sherman "did not regard the admission of the negroes as liable to such insuperable objections. It was the free-men of the southern states who were to be represented according to the taxes paid by them, and the negroes are only included in the estimate of the taxes. This was his idea of the matter."

C. Pinckney considered the fisheries and the western frontier more burdensome to the United States than the slaves, as he would demonstrate, if the occasion were a proper one.

After this ebullition of feeling, Morris's motion being sustained by the vote only of New Jersey, the matter subsided till the clause was reached authorizing Congress to levy and collect taxes, duties, imposts, and exoises. In haste to secure the prohibition to tax exports, Mason moved its insertion here. He argued warmly in favor of the prohibition, and was earnestly supported by Rutledge, Williamson, Mercer of Virginia, and Carroll of Maryland, but as earnestly opposed by Gouverneur Morris and Wilson, with whom Madison, though he express-

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CHAPTER XLVII ed himself very cautiously, seemed to concur. Sherman, Ellsworth, and Gerry were willing to concede the prohibition, but thought it best to wait till that part of the report was regularly reached. This was done, and the prohibition was then carried, seven states to four, New Hampshire, New Jersey, Pennsylvania, and Delaware in the negative.

The clause—coming up forbidding restrictions on the migration or importation of any persons whom any of the states might choose to admit, Martin moved to amend by allowing such importations to be taxed. “As five slaves, in the apportionment of representatives, were reckoned as equal to three freemen, such a permission amounted to an encouragement of the slave trade. Slaves weaken the union which the other parts were bound to protect; the privilege of importing them was therefore unreasonable. Such a feature in the Constitution was inconsistent with the principles of the revolution, and dishonorable to the American character.”

Rutledge “did not see how this section would encourage the importation of slaves. He was not apprehensive of insurrections, and would readily exempt the other states from every obligation to protect the south. Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is whether the southern states shall or shall not be parties to the Union. If the northern states consult their interest, they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers.”

Ellsworth was for leaving the clause as it stood. “Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states. What enriches a part enriches the whole, and the states

are the best judges of their particular interests. The old Confederation had not meddled with this point; and he did not see any greater necessity for bringing it within the policy of the new one." CHAPTER
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"South Carolina," said C. Pinckney, "can never receive the plan, if it prohibits the slave trade. In every proposed extension of the powers of Congress, that state has expressly and watchfully excepted the power of meddling with the importation of negroes. If the states be all left at liberty on this subject, South Carolina may perhaps, by degrees, do of herself what is wished, as Maryland and Virginia already have done."

Sherman was, like Ellsworth, for leaving the clause as it stood. He disapproved the slave trade; but, as the states now possessed the right, and the public good did not require it to be taken away, and as it was expedient to have as few objections as possible to the proposed scheme of government, he would leave the matter as he found it. The abolition of slavery seemed to be going on in the United States, and the good sense of the several states would probably, by degrees, complete it.

Denouncing the slave trade with great energy, Mason sought to lay the blame of it on "the avarice of British merchants." "The present question," he said, "concerns not the importing states alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves as it did by the Tories. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of

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slaves is born a petty tyrant. They bring the judgment of Heaven on a country. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our eastern brethren, from a lust of gain, have embarked in this nefarious traffic. As to the states being in possession of the right to import, that was the case with many other rights now to be given up. He held it essential, in every point of view, that the general government should have power to prevent the increase of slavery."

Mason's fling at the New England slave traders did not pass without retort. "As I have never owned a slave," said Ellsworth, "I can not judge of the effects of slavery on character; but if slavery is to be considered in a moral light, the Convention ought to go further, and free those already in the country. As slaves multiply so fast in Virginia and Maryland, it is cheaper to raise them there than to import them, while in the sickly rice swamps foreign supplies are necessary. If we stop short with prohibiting their importation, we shall be unjust to South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery, in time, will not be a speck in our country."

Rutledge and the two Pinckneys declared that, if the slave trade were prohibited, South Carolina would not come into the Union. "South Carolina and Georgia," said C. C. Pinckney, "can not do without slaves. As to Virginia, she will gain by stopping the importation. Her slaves will rise in value, and she has more than she wants. It would be unfair to ask Carolina and Georgia to confederate on such unequal terms. The importation of slaves would be for the benefit of the whole Union. The more slaves the more produce, the greater carry-

ing trade, the more consumption, the more revenue." Baldwin made a similar declaration on behalf of Georgia. She would not confederate if not allowed to import slaves. Williamson expressed his conviction that the two southern states, if prohibited to import slaves, would not become members of the Union. Wilson suggested that, if negroes were the only imports not subject to a duty, such an exception would amount to a bounty. Gerry thought the Convention had nothing to do with the conduct of the states as to slavery; but they ought to be careful not to give any sanction to it. Dickinson and Langdon, of New Hampshire, maintained that neither honor, safety, nor good conscience would allow permission to the states to continue the slave trade. King thought the subject should be considered in a political light only. If two southern states would not consent to the prohibition, neither would other states to the allowance. "The exemption of slaves from duty while every other import was subject to it, was an inequality that could not fail to strike the commercial sagacity of the northern and middle states."

This hint about a tax was not thrown away. Charles Pinckney would consent to a tax equal to that imposed on other imports, and he moved a commitment with that view. Rutledge seconded the motion. Gouverneur Morris proposed that the whole article, including the clauses relating to navigation laws and taxes on exports, should be referred to the same committee. "These things," he remarked, "may form a bargain among the northern and southern states." Sherman suggested that a tax on slaves imported would make the matter worse, since it implied they were property. Randolph supported the commitment in hopes that some middle ground might be hit upon. He would rather risk the Constitution than support the clause

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CHAPTER XLVII as it stood. Ellsworth advocated the article as it was.

1787. "This widening of opinions had a threatening aspect. He was afraid we should lose two states, with such others as might be disposed to stand aloof, should fly into a variety of shapes and directions, and most probably into several confederations—not without bloodshed." The motion for reference prevailed, and the article was referred to a grand committee of one from each state. The report of this committee retained the prohibition of export duties, but struck out the restriction on the enactment of navigation laws. Until the year 1800 it allowed the unrestrained migration or importation of such persons as the states might see fit to receive, subject, however, to the imposition of a duty by Congress, the maximum of which was presently fixed at ten dollars.

Williamson declared himself, both in opinion and practice, against slavery; but he thought it more in favor of humanity, from a view of all circumstances, to let in South Carolina and Georgia on these terms, than to exclude them from the Union. Sherman again objected to the tax as acknowledging men to be property. Gorham replied that the duty ought to be considered, not as implying that men are property, but as a discouragement to their importation. Sherman said the duty was too small to bear that character. Madison thought it "wrong to admit, in the Constitution, the idea that there could be property in man;" indeed, several changes of phrase were made on purpose to avoid any such implication. Gouverneur Morris objected that the clause as it stood gave Congress power to tax freemen; to which Mason replied that such a power was necessary, to prevent the importation of convicts. A motion to extend the time from 1800 to 1808, made by C. C. Pinckney and seconded by Gorham, was carried, Massachusetts, Connecticut, and

New Hampshire voting this time with Georgia and South Carolina against the states of New Jersey, Pennsylvania, Delaware, and Virginia. That part of the report which struck out the restriction on the enactment of navigation acts was opposed by Charles Pinckney in a set speech, in which he enumerated five distinct commercial interests: the fisheries and West India trade, belonging to New England; the interest of New York in a free trade; wheat and flour, the staples of New Jersey and Pennsylvania; tobacco, the staple of Maryland and Virginia, and partly of North Carolina; rice and indigo, the staples of South Carolina and Georgia. The same ground was taken by Williamson and Mason, and very warmly by Randolph, who declared that an unlimited power in Congress to enact navigation laws "would complete the deformity of a system having already so many odious features that he hardly knew if he could agree to it." Any restriction of the power of Congress over commerce was warmly opposed by Gouverneur Morris, Wilson, and Gorham. Madison also took the same side. C. C. Pinckney did not deny that it was the true interest of the South to have no regulation of commerce; but, considering the commercial losses of the eastern states during the Revolution, their liberal conduct toward the views of South Carolina (in the vote just taken, giving eight years' further extension to the slave trade), and the interest of the weak southern states in being united with the strong eastern ones, he should go against any restrictions on the power of commercial regulation. "He had himself prejudices against the eastern states before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever." Butler and Rutledge took the same ground, and the amended report was adopted, against the votes of Maryland, Virginia, North Carolina, and Georgia.

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Thus, by an understanding, or, as Gouverneur Morris called it, "a bargain" between the commercial representatives of the northern states and the delegates of South Carolina and Georgia, and in spite of the opposition of Maryland and Virginia, the unrestricted power of Congress to enact navigation laws was conceded to the northern merchants, and to the Carolina rice planters, as an equivalent, twenty years' continuance of the African slave trade. This was the third great compromise of the Constitution. The other two were the concession to the smaller states of an equal representation in the Senate, and, to the slaveholders, the counting three fifths of the slaves in determining the ratio of representation. If this third compromise differed from the other two by involving not merely a political, but a moral sacrifice, there was this partial compensation about it, that it was not permanent, like the others, but expired at the end of twenty years by its own limitation.

The method of choice, the term of service, the re-eligibility of the executive, were points as to which it was very difficult for the Convention to come to any agreement. The method of choice and term of service finally adopted were founded on the report of a grand committee of one from each state, which underwent, however, various amendments. The idea of a vice-president, to be chosen at the same time with the president, and, in case of death or disability, to fill his place, was first suggested by this same committee. In the draft as reported, the President of the Senate was to have fulfilled that function; by the article as agreed to, the Vice-president was made ex-officio President of the Senate. The method of choice finally adopted was by electors specially chosen for that purpose, in such manner as the state Legislatures might direct, as many in each state as there were

federal senators and representatives; these electors to CHAPTER XLVII meet in their respective states, and vote by ballot for two persons, one of them, at least, not a citizen of the same state with themselves. The candidate having the greatest number of votes was to be president; the one having the next highest number to be vice-president; but a majority of all the votes given was required in both cases. If there were two having the same majority, the House of Representatives, voting by states, was to determine who should be president. If no one had a majority, the House of Representatives, voting also by states, was to choose a president from among the five highest candidates; the one not chosen president who had the highest number of votes to be vice-president, or, in case of a tie, the Senate to choose between the two. The vote by states, when no one had a majority of the electoral votes, was a concession to the State Rights party. In case the election devolved on Congress, two thirds of the states must be present to constitute a quorum. 1787.

The President was required to be thirty-five years of age, and native born, or a citizen at the adoption of the Constitution. The nomination of federal judges, and of all other federal officers, civil and military, except a federal treasurer, to be elected by Congress in joint ballot of the two houses, was given to the President, subject, however, to the consent and approbation of the Senate. The ratification of treaties was vested in the President, with the advice and consent of two thirds of the Senate. The Senate was also made a court for the trial of impeachments; if the President were tried, the chief justice to preside. An attempt was made by Madison and Wilson to reinstate, from Randolph's first draft, a Council of Revision, to be composed of the President and the judges of the Supreme Court, with a modified negative

CHAPTER XLVII. on all laws. C. C. Pinckney objected to involving the judges in politics, and the motion failed. An attempt 1787. to establish a privy council for the President failed also; but he was authorized to call for the opinions, in writing, of the principal executive officers.

When the article came up providing for the mutual delivery of fugitives from justice, a motion was made by Butler, seconded by C. Pinckney, that fugitive slaves and servants be included. Wilson objected that this would require a delivery at the public expense. Sherman saw no more propriety in the public seizing and surrendering a ¹⁴⁵ 29. servant than a horse. Butler withdrew his motion; but the next day introduced a substitute, evidently borrowed from an ordinance of Congress passed a few days before, and, in its strong resemblance to one of the clauses of the old New England articles of union, bearing plain marks of a New England hand. Agreed to without debate, it became, with some subsequent changes of phraseology, that famous clause which provides that "no person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Provision was made, with little objection, for amending the Constitution on the proposition of two thirds of both houses of Congress, and with the consent of three fourths of the states. The new government was required to fulfill the engagements and pay the debts of the old one. When ratified by nine states, the new system was to go into operation as to those nine states, without waiting for the others—a wise provision, the necessity for which past experience had taught.

Sept. 10. By the time the draft had been gone through with,

most of the provisions of the Constitution had received their final shape, pending which process a new modification of parties had appeared. Several members, very decided against a mere confederation and the equality of the states in the Legislature, began now to be afraid of the very national government they had helped to create; while, on the other hand, several who had struggled hard in the earlier debates for state equality, had contributed, by their recent votes, to strengthen the executive, as something of a counterbalance to the legislative weight of the larger states. Others still, whose mark had not been reached, and who complained of the proposed system as much too feeble, avowed, however, their intention to support it, as the best that could be got. Of this class was Hamilton, who had lately returned and resumed his seat in the Convention. He was one of a committee, along with Johnson, Gouverneur Morris, Madison, and King, to whom the draft was referred for revision of its style and arrangement. From this committee the Constitution came back nearly in its present form.

It had been formerly agreed, and it so stood in this new draft, that, to pass laws against the President's veto, a vote of three fourths should be required—a provision very offensive to some members, and now altered by substituting two thirds for three fourths. Gerry and Mason moved a committee to prepare a bill of rights. Sherman thought the state bills of rights sufficient, and the motion was lost by a tie vote, Massachusetts divided, New York not voting, five northern states for it, five southern states against it. Some difficulty, perhaps, was apprehended by the South in drawing up a bill of rights to square with the existence of slavery. A clause, moved by Mason, was adopted, allowing the states to enact inspection laws, subject to the control of Congress.

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The Constitution, as reported, was then taken up clause by clause, to receive its final corrections and the sanction of the Convention. Besides some verbal alterations, the reservation to Congress of the appointment of the treasurer was struck out, against the vote of the three larger states; Congress was empowered to vest in the President alone, the courts of law, or the heads of departments, the appointment of inferior officers; and was required, on the application of two thirds of the states, to call a convention for revising the Constitution, provided, however, that all amendments should be approved by three fourths of the states, and that no state, without its own consent, should be deprived of its equal vote in the Senate. Sherman wished to couple with this latter proviso a like security to the internal police of the states. In this form the proposition failed, only Connecticut, New Jersey, and Delaware voting for it. To appease the circulating murmurs of the small states, the clause respecting equal suffrage in the Senate was moved separately, and unanimously adopted.

Several other amendments were offered: one by Franklin, to authorize Congress to cut canals; another by Madison, conferring a general power to establish corporations, in cases for which the power of the states was insufficient; a third by Madison and Pinckney, for the establishment of a national university; a fourth by Gerry, extending to Congress the prohibition laid on the states to pass laws violating the obligation of contracts. But, at this stage of the proceedings, a great disinclination was exhibited to entertain new propositions of any sort, and all these amendments fell to the ground.

The revised draft being gone through with, Randolph moved to provide for the calling of a second convention, to consider such amendments as might be proposed by the

statement. In seconding this motion, Mason declared his belief that the proposed Constitution would result in a monarchy or a tyrannical aristocracy, and signified his intention not to sign it. Gerry expressed a similar determination. Besides certain minor objections peculiar to each, Randolph, Mason, and Gerry all agreed in special dissatisfaction at the extended and indefinite powers conferred on Congress and the executive. CHAPTER
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On the other hand, Charles Pinckney objected "to the contemptible weakness and dependence of the executive." He objected, also, as did other southern members, to the power of a bare majority of Congress over commerce. But, from Randolph's proposal, he thought nothing would ensue but confusion. "Apprehending danger of general disorder, and ultimate decision by the sword, he should give the proposed Constitution his support." Randolph's proposition was unanimously rejected; and the Constitution, as amended, being agreed to by all the states present, was ordered to be engrossed. 1787.

When the engrossed copy was brought in for signature, Franklin rose with a written speech in his hand, which Wilson read, a genial attempt to smooth the ruffled tempers of some of the delegates, and to gain for the Constitution unanimous signature. It proposed a form, suggested by Gouverneur Morris, one which might be signed without implying personal approval of the Constitution: "Done by consent of the states present. In testimony whereof, we have subscribed," &c. Sept 15

As one step toward conciliation, Gorham proposed to reduce the minimum ratio of representation in the Lower House from 40,000 to 30,000. In rising to put this question, Washington addressed the Convention, urging compliance, and the motion was carried unanimously. Sept 17

Morris suggested that the proposed form of signature

CHAPTER was only a testimony to the unanimity of the states present. **XI VII.** Hamilton urged the infinite mischief that might
1787. arise from refusing to sign it. "No man's ideas were more remote from the plan than his own; but is it possible to deliberate between anarchy and confusion on one side, and the chance of good on the other?" These appeals succeeded in securing the signatures of several dissatisfied members; but Randolph, Mason, and Gerry could not be prevailed upon. Of those who signed, probably there was not one to whom all the provisions of the instrument were satisfactory; but gradually matured as it had been, in a four months' discussion, by a compromise of contending interests and opinions, it was accepted as the best that circumstances admitted, and as promising, on the whole, an improvement on the old confederation. Of the absent members, Martin, of Maryland, and the two delegates from New York, who had left the Convention in disgust at an early day, were known to be decided opponents.

The injunction of secrecy as to the proceedings of the Convention was never removed. At the final adjournment, the Journal, in accordance with a previous vote, was intrusted to the custody of Washington, by whom it was afterward deposited in the Department of State. It was first printed by order of Congress in 1818. Yates, one of the members from New York, took short notes of the earlier debates, which were published after his death in 1821. The more perfect Notes of Madison, recently published, with the official Journal, the Notes of Yates, and a representation to the Legislature of Maryland, made by Luther Martin, furnish materials for a view, tolerably complete, of the conflicting opinions by which the Convention was divided, and of the process which gradually matured and brought into shape the Federal Constitution.

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ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY
NORTHWEST OF THE OHIO. SETTLEMENT OF INTER-
STATE CONTROVERSIES. RATIFICATIONS OF THE FEDER-
AL CONSTITUTION. EMIGRATIONS TO THE WEST. CLOSE
OF THE CONTINENTAL CONGRESS.

WHILE the Convention at Philadelphia was busy in maturing the new Constitution, the Congress at New York took up and disposed of a subject second in importance only to the Constitution itself. In place of the ordinance for the government of the Western Territory, under consideration during the last session, the provisions of which extended to the whole western district, both that ceded and that of which the cession was anticipated, a committee, of which Dane, of Massachusetts, was chairman, reported "An Ordinance for the Government of the Territory of the United States Northwest of the Ohio." Limited in its operation to the territory already ceded, this new bill embraced, like its predecessor, the provisions of Jefferson's accepted report, but with some important modifications and additions. A special proviso, that the estates of all persons dying intestate in the territory should be equally divided among all the children or next of kin in equal degree, established the important republican principle, not then introduced into all the states, of the equal distribution of landed as well as of personal property. The governor, secretary, judges, and all executive and military officers, were to be appointed by Congress, but, so soon as the territory contained five thousand male in-

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CHAPTER habitants, it was to be entitled to a representative assembly. The governor and judges were authorized, mean-
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1787. while, to adopt and publish laws, civil and criminal, suited to the wants of the territory, to be selected from those of the states, and approved by Congress. The ordinance concludes with six unalterable articles of perpetual compact, the first of which provides, in the fullest manner, for entire religious freedom; the second secures to the inhabitants trial by jury, the writ of *habeas corpus*, and the principal other political privileges enumerated in the state Bills of Rights; the third provides for the encouragement of schools, and for good faith, justice, and humanity toward the Indians; the fourth secures to the new states to be erected out of the territory the same privileges with the old ones, imposes upon them the same burdens, including responsibility for the federal debt, and prohibits them from interfering with the primary disposal of the soil by the United States, or taxing the public lands, or taxing the lands of non-residents higher than those of residents; the fifth provides for the future division of the territory into three or five states, at the option of Congress, each to be admitted into the Union so soon as it shall contain sixty thousand free inhabitants; the sixth, the famous anti-slavery proviso, declares that "there shall be neither slavery, nor involuntary servitude in the said Territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted." Of the four states by whose concurrence the cession had been made, Massachusetts, Connecticut, and New York were decidedly opposed to the extension of slavery; Virginia was divided; but the present ordinance, which left the territory south of the Ohio to be afterward regulated, passed July 13. by the unanimous vote of the eight states present, including Virginia, the Carolinas, and Georgia, reconciled

to it, doubtless, by the idea, afterward acted upon, of securing, under future terms of cession, the continuation of slavery in the territory south of the Ohio. A clause was appended relative to the reclamation of fugitives from labor, the original of that incorporated some six weeks later into the Federal Constitution. 1787.

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By the treaties already mentioned with the Six Nations, the Wyandots, the Delawares, and the Shawanese, the Indian title had been extinguished for a considerable distance inland, along the northern bank of the Ohio as far west as the Wabash, over a tract of seventeen millions of acres. Considerable progress had already been made in the surveys, and a contract was now entered into with the Reverend Manasseh Cutler, Winthrop Sargent, and their associates, citizens of New England, calling themselves the "Ohio Company," for the sale of a tract of five millions of acres, extending along the Ohio from the Muskingum to the Scioto. A similar contract was made with John Cleve Symmes, of New Jersey, for the sale of a tract of two millions of acres, in the fertile region between the Great and Little Miamis. The price agreed upon was two thirds of a dollar per acre, to be paid by instalments, in certificates of the public debt.

While the first steps were thus taken toward the settlement of the country northwest of the Ohio, a fourth convention met at Danville, in Kentucky; resolved unanimously in favor of separation from Virginia; adopted an address to Congress asking admission into the Union; and, in conformity to the provisions of the act under which they met, directed the election of a new convention to frame a state constitution. That the application to Congress might be urged with greater effect, the Virginia Assembly, at the request of this Convention, elected as one of the Virginia delegates to Congress John Brown, a Ken-

III.—I. 1

CHAPTER XLVIII. tucky lawyer. That incipient state had just obtained the advantage of a newspaper, "The Kentucky Gazette,"

1787. issued at Lexington by John Bradford, whose ingenuity enabled him, though not bred a printer, to manufacture the type with his own hand. The "Commonwealth," the first newspaper west of the Alleghanies, had been established at Pittsburg the year before.

The Federal Constitution, so laboriously produced by the Convention at Philadelphia, had been laid before Congress, with a letter and resolutions from the framers, recommending its reference, for approval or rejection, to state conventions, to be called by the state Legislatures. At first there was some slight hesitation in complying with this request. It was said that Congress ought not to have any direct agency in a proceeding which transcended and even subverted the very Articles of Confederation under which that body sat. It was also proposed to append a bill of rights, and other amendments; but finally a resolution was passed transmitting the documents to the state Legislatures, to be acted upon as the Convention had suggested.

Oct. The estimate for the service of the current year amounted to \$3,009,788, of which \$1,300,798 were needed in specie; the balance, being one year's interest on the domestic debt, was called for in indents. The restrictions hitherto imposed on the receipt of indents had proved useless or mischievous, and they were now removed. Two Dutch loans, that of 1784, of \$800,000, already mentioned, and the other during the present year, of half as much more, had supplied to that extent the place of unpaid specie requisitions. Some of the money called for had not been needed, and, as the outstanding over-due specie balance was more than sufficient, if paid up, to meet the demands of the present year, no new specie requisition was made. It was characteristic of the pecuniary condition of Con-

gress, and of its dilatory method of proceeding, that the habit had been fallen into of voting the annual estimate and requisition, not at the commencement, but at the end of the session, and when the year for the service of which the money was needed was already almost spent. Before adjourning, Congress elected their president, General St. Clair, to be governor of the new territory northwest of the Ohio. CHAPTER
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Two important territorial suits, pending for several years before Congress, under the Articles of Confederation, had been lately brought to an end. The first of these suits, one between Massachusetts and New York, related to the boundary of those states east of the Hudson, and to their respective claims to the Indian lands west of the Delaware and east of Lake Erie. The breaking out of the Revolutionary war had prevented the running of the boundary line east of the Hudson, agreed upon in 1773. That matter, however, had been arranged some two or three years before, by referring to Congress the appointment of commissioners to run the line under the old agreement. The controversy relating to the territory west of the Delaware was more difficult. The claim of Massachusetts was founded on the express provisions of her charter, to which New York had nothing to oppose but an alleged right of sovereignty, acquired by treaty, over the Six Nations and all their territory. Commissioners mutually appointed, who met at Hartford, agreed to divide equally between the two states the pre-emption right to the territory in dispute Massachusetts relinquishing to New York all claim to jurisdiction. According to the partition agreed upon, Massachusetts received a right of pre-emption to a tract of two hundred and thirty thousand acres between the Oswego and Chenango, and to an additional tract of five millions of acres, embracing 1786
Dec.

CHAPTER the fertile region of the Genesee, and thence to the west-
XLVIII. ern limit of New York, reserving, however, to that state

1787. one mile in depth along the east shore of the Niagara River—a territory exceeding in extent and greatly surpassing in fertility the present state of Massachusetts. It was agreed that these lands should remain tax-free so long as they continued the property of Massachusetts, and for fifteen years after. If Massachusetts disposed of her right in the soil before extinguishing the Indian title, she was to have a disinterested commissioner present at all treaties held by the purchasers with the Indians; and no treaty was to be valid unless first approved by the Massachusetts Legislature. This arrangement having been announced in Congress, the suit pending Oct. there was discontinued.

The other suit above referred to was between the states of South Carolina and Georgia, in relation to their boundaries toward the sources of the Savannah, and especially as to the jurisdiction of the territory west of the Altamaha, claimed by the one party under the Carolina charter, and by the other under the proclamation of 1763, annexing to Georgia the territory between the Altamaha and the St. Mary's. These suitors, also, had arranged their boundaries by mutual consent, South Carolina having ceded to Georgia all her claims to territory west of the Savannah and the Tugaloo branch of it, and the most northern head of that branch, and this settlement being April 22. announced to Congress, that suit also was discontinued.

The geography of that region was not yet well understood, and, after this ample concession to Georgia, the Aug. delegates from South Carolina executed a deed of cession to the United States of all her remaining claims to western territory—a cession which might as well have been spared, since the lines described by it included nothing.

North Carolina and Georgia being now loudly called upon for cessions of their western claims similar to those made by the other claimant states, Georgia presently offered to cede all the territory west of the Chattahoochee, and between the thirty-first and thirty-second parallels of north latitude—a territory to which Georgia had, in fact, no right, it having been formerly included in the British province of West Florida, and being now in the occupation of the Spaniards. She demanded, in return for this barren cession, a guarantee of the remaining territory north of the thirty-second parallel, which Congress refused to give, or to accept her cession, unless so extended as to include all the district west of the Chattahoochee—a cession not finally obtained till several years after, and then only by purchase and on conditions very onerous to the United States. The office of governor of Georgia had been filled in successive years by Lyman Hall, chosen in 1783, John Houston, Samuel Elbert, Edward Telfair, and George Matthews, presently succeeded by George Handley and George Walton.

It still remained very doubtful what would be the fate of the Federal Constitution in the states. The debates in the Convention at Philadelphia, like those formerly in Congress on adopting the Articles of Confederation, had evinced a conflict of local interests, a jealousy of state sovereignty, and a distrust and dread of any superior or superintending authority, by no means favorable to the new system. Those debates had been secret, and still remained so; but similar ideas and feelings might be expected to influence the state conventions. The extensive powers which the new Constitution proposed to vest in the federal government might seem to bear too strong a resemblance to that controlling authority of the mother country so lately shaken off, and each state might

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entertain doubts whether her own small share in the national sovereignty would prove a sufficient protection
1787. against the rapacity of that great power and authority proposed to be vested in the federal government.

Besides these obstacles to the adoption of the Constitution which had been equally obstacles in framing it, there existed out of doors, widely diffused among the people, a sentiment, which, in the Convention, except once or twice from Franklin, had hardly found the slightest expression. The members of that Convention, belonging almost exclusively to what is called the conservative class, had seemed to look upon property not so much as one right, to be secured like the rest, but as the great and chief right, of more importance than all others. The great evils of the times, in their eyes, were the inability of the state governments to collect taxes enough to fulfill the public engagements, and the "leveling spirit of democracy," denounced by Gerry, in his closing speech, as "the worst of all political evils." This very spirit of democracy the new Constitution must now encounter—a spirit which pervaded the mass of the people, and made itself felt in the state Legislatures, disposing them rather to throw off old burdens than to submit to new ones, and filling them with apprehensions lest personal freedom should be sacrificed to the interests of property, and the welfare of the many to the convenience of the few. Hence that widespread outcry, so generally raised, the most popular objection to the new Constitution, that it had no Bill of Rights, and was deficient in guarantees for personal liberty—a cry very loudly echoed by Patrick Henry and others in Virginia, and along with it the somewhat inconsistent cry, that Congress, under the new Constitution, would have the power to abolish slavery.

As a counterbalance to this feeling of doubt and dis-

trust on the part of the body of the people, a very large proportion of influential citizens at once declared themselves in favor of the plan. It was warmly supported by the public creditors, who saw in it their only prospect of payment, and by the merchants, who hoped much from the regulation of commerce. The depressed state of industry, the dangerous disturbances which had lately broken out, the general sentiment of the inefficiency of the existing system, and the hope of remedy from almost any change—these considerations were not without influence upon many who had no by-ends to serve, and whose interest was identical with the public welfare.

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The small local politicians, especially the advocates and spokesmen of the feelings and wishes of the less educated and less wealthy portion of the community, were, for the most part, opposed to a system which, by diminishing the consequence of the state governments, might also diminish their own. The advocates of paper money, and of stop and tender laws; took the same side, as did all those whose ruined and desperate circumstances led them to prefer disturbance and revolution to the preservation of social order. Even a large number of worthy citizens, including several of great eminence and influence, thought it better to run the risk of anarchy than to adopt a frame of government which seemed to them a dangerous instrument of tyranny, certain to lead to great abuses, if not to the very overthrow of liberty.

On behalf of the friends of the new Constitution, or, as they soon began to call themselves, the Federal party, a series of articles, entitled the "Federalist," written by Hamilton and Madison, with a few numbers by Jay, made their appearance in a New York paper. These articles, which defended the new frame of government with uncommon ability, and answered the various objections

CHAPTER XLVIII against it, were generally republished throughout the Union, and every where produced a deep impression.

1787. Delaware was the first state to accept the Constitu-
 Dec. 7. tion—an example speedily imitated by Pennsylvania.
 Dec. 12.

The Constitutionals, as they called themselves, the partisans of the existing state Constitution, were inclined to go against it; but their opponents had now a majority in the Assembly, and in the Convention of that state the Constitution was very ably defended by Wilson, who had

Dec. 18. taken so active a part in framing it. Ratifications by
 1788. New Jersey, Georgia, and Connecticut followed. Trum-

Jan. 2. bull had been succeeded as governor of Connecticut in
 Jan. 9. 1784 by Matthew Griswold, and in 1785 by Samuel Huntington, who held the office for the next nine years.

Jan. 22. The Continental Congress at length organized itself by the election of Cyrus Griffin, of Virginia, as president; but attention was absorbed by the proceedings in the states respecting the proposed Constitution, and there was seldom a quorum to do business.

The Massachusetts Convention was looked to with great interest, both on account of the close division of opinion in that state, and of the effect which a decision either way would have in the neighboring doubtful states of New York and New Hampshire. The clergy, lawyers, and merchants of Massachusetts, and the late Continental officers, were almost unanimous in favor of ratification. The Constitution was opposed by the friends of paper money, by those concerned in the late insurrection, of whom some fifteen or twenty, in spite of the Disfranchising Act, had seats in the Convention, and by many of the delegates from Maine, who feared lest it might prove an obstacle to their favorite project of becoming an independent state. Momentous as the question was, it seems to have turned, like so many other

great political questions, more upon the passions and interests of the moment than upon its own distinctive merits. CHAPTER XLVIII.

Yet here, as elsewhere, a substratum of principle 1788. and great lines of demarkation were plainly visible. The aristocracy of talents, wealth, and intelligence supported the Constitution; the democratic masses opposed or hesitated. Nor did they lack distinguished leaders. Gerry, who had refused to sign the Constitution, was allowed a seat in the Convention, to give information and make explanations. Governor Hancock, the president of the Convention, and Samuel Adams, were reckoned among the doubtful. Adams was a great stickler for state rights, and very much of a Republican. Hancock leaned always to the popular side; and such was the influence of these two men, that their opinion either way would go far to decide the result. Their support was finally secured by means of nine proposed amendments brought forward by Hancock, and which the Convention recommended for the approval of Congress and the consent of three fourths of the states, as provided for in the Constitution. Under cover of these proposed amendments the ratification was carried, one hundred and eighty-seven yeas to one hundred and sixty-eight nays. Feb. 7.

A Convention speedily met in New Hampshire; but Feb. 13. things looked so doubtful there, that the friends of the Constitution procured an adjournment without taking any question. Langdon meanwhile succeeded Sullivan May. as governor of that state.

Notwithstanding the active opposition of Martin, the Convention of Maryland—in which state Smallwood was shortly after succeeded as governor by John E. Howard, also a Revolutionary officer—ratified the Constitution without much difficulty; and so did the Convention of South Carolina, not, however, without proposing April 28 May 23

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two or three amendments. The adjourned Convention of New Hampshire followed the lead of Massachusetts, ratifying and proposing the same amendments. There were 1789. now nine ratifying states, a sufficient number to give effect to the Constitution—a circumstance which could not but have great weight with the Conventions of Virginia and New York, already in session, and in which the Constitution was encountering a very vigorous opposition.

In Virginia this opposition was led by Mason and sustained by Henry, who exerted all his influence, which was very great, to defeat the new system. The other side was ably sustained by Wythe, Madison, and Randolph, who, notwithstanding his refusal to sign the Constitution, had so far modified his views as now to support its adoption. In face of the ratification by nine states, the opponents did not venture to propose an unqualified rejection. They were willing to ratify, subject to certain amendments. The friends of the Constitution advocated the method adopted in Massachusetts—an absolute ratification, amendments to be suggested for the consideration of the states; and, after a warm struggle, they carried their point. The amendments proposed were a Bill of Rights, copied from that of Virginia, and some twenty alterations in the body of the Constitution. On the expiration of Edmond Randolph's term of office as governor, he was succeeded by his kinsman, Beverly Randolph.

In the Convention of New York, the Constitution was sustained with distinguished ability by Jay, Robert R. Livingston, and Hamilton; but it encountered warm opposition from Yates and Lansing, and found an opponent still more formidable in George Clinton, governor of the state, and president of the Convention. The decisive struggle took place, as in Virginia, on the question of absolute or conditional ratification. The absolute ratif

cation was carried, thirty-one to twenty-nine; not, however, without the preliminary of a Declaration of Rights, which the Convention declared consistent with the Constitution, and inviolable; besides the proposal of a large number of amendments to the body of the instrument.

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In the Convention of North Carolina, the scheme of conditional ratification prevailed; but as eleven states had ratified unconditionally, the hesitation of North Carolina, and obstinacy of Rhode Island, in which no Convention was held, were no obstacle to the organization of the new government.

Aug. 7.

The State of Frankland, organized in despite of the authority of North Carolina in the district beyond the mountains, had maintained its existence and struggled for the administration during the whole of the year 1787. Some countenance had been received from the Georgians, who wished to engage the assistance of the Franklanders in an expected war with the Creeks; but the partisans of North Carolina had constantly grown stronger and stronger. Early in the present year, Tipton, their leader, had brought matters to a crisis by causing the slaves of Governor Sevier to be seized, during his absence, on an execution issued against him by one of the county courts acting under the authority of North Carolina. The slaves, for safe keeping, were carried to Tipton's house, which Sevier presently beleaguered with a hundred and fifty men, and a small piece of cannon. Tipton, with some fifteen friends hastily assembled, stood on his defense; and after a siege of a day or two, just as Sevier's men were preparing to rush to the assault, he was unexpectedly relieved by a strong party which had mustered for his assistance. Seized with a sudden panic, Sevier's party fled and dispersed. Several persons were wounded, and one or two killed in this affray. Se-

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Sevier's two sons were taken prisoners, and it was not without difficulty that Tipton was prevented from hanging them on the spot. Sevier fled to the frontier, where he had many partisans, and where a new war with the Cherokees had lately broken out. With his flight the State of Frankland expired. A few weeks after, a Superior Court, under the authority of North Carolina, was held at Grenville without interruption. Among the attorneys admitted to practice on this occasion appears the name of Andrew Jackson, afterward President of the United States. A warrant was issued against Sevier for high treason, under which he was subsequently arrested, and sent eastward for safe custody; but he succeeded on the way, with the help of friends, in making his escape. The Legislature of North Carolina, at their next session, passed a new act of oblivion as to all who would now submit; but Sevier was expressly disqualified to hold any office of profit, honor, or trust. The next year, however, at the annual election, having offered himself as a candidate to represent the county of Greene in the Senate of North Carolina, he was elected by a large majority; and shortly after his arrival at Fayetteville, where the North Carolina Assembly was in session, they repealed the disqualifying clause above mentioned. Sevier took the oaths and his seat, and was presently appointed brigadier general for the western counties. A few years after, when the State of Tennessee was organized, he was chosen the first governor. Caswell, re-elected governor of North Carolina in 1785, after holding office for three years, was succeeded by Samuel Johnstone.

The stream of New England emigration, hitherto limited, for the most part, to Vermont, northern New Hampshire, and Maine, began at length to pour into the fertile West. Already Rufus Putnam, late a brigadier general

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in the revolutionary army, and an active member of the Ohio Company, at the head of a little colony from Massachusetts, had founded, at the mouth of the Muskingum, in close vicinity to Fort Harmar, the town of *Marietta*, so named in honor of the French queen, the afterward unfortunate Maria Antoinette, the earliest white settlement, if we except the Moravian missionary stations—hardly, indeed, to be called such—within the limits of the present state of Ohio. On the arrival of Governor St. Clair, who compiled and published, in conjunction with the judges, a code for the new territory, the district about Fort Harmar was erected into the county of *Washington*. A settlement was formed soon after within Symmes's grant, at Great Bend, near the mouth of the Miami, and Fort Washington was presently built where *Cincinnati* now stands. By direction of the Virginia Assembly, a road was surveyed and laid out, about three hundred miles long, from Alexandria to the Ohio opposite Marietta. Pennsylvania purchased the triangular tract between Lake Erie and her northern boundary, both territory and jurisdiction, thus securing for herself the harbor of Presque Isle, now Erie. The lands of the Connecticut reserve were disposed of some seven years after to a number of land speculators, at a price which produced the Connecticut school fund; but twelve years elapsed before much progress was made in their settlement, by which time Connecticut had ceded her rights of jurisdiction to the United States.

Oliver Phelps, an enterprising speculative citizen of Connecticut, in association with Gorham, late president of Congress, and a member of the Federal Convention from Massachusetts, had purchased from that state the pre-emption right of a large portion of that fertile tract in Western New York, the property of which, by the late

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arrangement already mentioned, had been yielded up to Massachusetts. The price stipulated was a million of 1788. dollars, payable by installments, in certificates of state debt. Phelps held a treaty with the Seneca tribe of the Six Nations, obtained from them an extensive cession, and soon after opened a land-office at *Canandau-gua*. Emigrants soon began to flow in from Connecticut and Massachusetts, and among the rest came Daniel Shays, upon whose humble petition the Massachusetts Legislature, at the session immediately after the ratification of the Federal Constitution, had passed a general vote of pardon and indemnity for all concerned in the late insurrection. Shays lived to a good old age, supported in his latter days by his pension as a revolutionary officer. In a pecuniary point of view, neither the large land purchases in Ohio nor those in New York proved successful speculations. The certificates of Massachusetts debt, at a considerable discount when Phelps made his contract, presently rose in value, and not being able to meet his payments, he was obliged to surrender a part of his purchase. The lands thus surrendered were sold by Massachusetts to Robert Morris, who had also made a previous purchase from Phelps. He mortgaged them to some Dutch capitalists, and some years after, upon the failure of Morris, who became in his old age a prisoner for debt, these Dutchmen obtained possession under the mortgage, and, by the name of the Holland Land Company, opened a land-office at Batavia. But this did not take place till twelve or fourteen years subsequent to the period of which we are now speaking.

The State of New York made large sales of the share she had herself retained of these western lands, and the land bounties, originally promised to the soldiers of her Continental line, were also located in this district. Penn-

sylvania made a similar provision for her Continental soldiers in her unsettled territory further south. The Six Nations retained but a few trifling reservations of that vast region which they had lately claimed. The Mohawks had already migrated to Canada in a body, and portions of the other tribes speedily followed. Those who remained sunk into insignificance. New England overflowed into New York; and that state, hitherto, in wealth and population, inferior to Virginia, Massachusetts, and Pennsylvania—indeed, hardly equal to Maryland and Connecticut—began to advance with rapid strides toward that pre-eminence which she now enjoys.

The petition of Kentucky to the Continental Congress for admission into the Federal Union was referred to the consideration of the new government, to which application was recommended to be made. In consequence of this decision, the fifth Kentucky Convention, in session at Danville, dissolved without framing a state constitution. Brown, the Kentucky delegate in Congress, represented in his correspondence that the eastern states would never agree to the admission of Kentucky—"unless Vermont or the District of Maine is brought forward at the same time." He wrote, in the same letter, that M. Gardoqui, the Spanish minister, had assured him, "that if Kentucky will declare her independence, and empower some proper person to negotiate, he has authority, and will engage to open the navigation of the Mississippi for the exportation of their produce on terms of mutual advantage, but that this privilege can never be extended to them while part of the United States."

As the new federal government was presently to go into operation, it was time for the Continental Congress to be settling up its accounts. It appeared from the report of the committee on the estimate, that since the adoption

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CHAPTER XLVIII of the peace establishment, commencing with 1784 and including the current year, the liabilities of the federal treasury, exclusive of the interest on the domestic debt, 1788. but including two installments of the French debt, Aug. amounted to \$6,036,917, of which \$3,168,442, or somewhat more than one-half, had been actually met. Of this amount, only \$1,880,000 had been paid in by the states. The balance had been obtained by three Dutch loans, amounting in the whole to \$1,600,000, of which a fragment still remained unexpended, the greater part of it pledged to pay the Dutch interest for the two following years. The \$2,868,475 of arrearages consisted of interest on the French debt, with two installments of the principal over-due, and the interest, also, on the small Spanish loan. Of the specie requisitions made since the peace, there still remained unpaid upward of three millions of dollars, more than sufficient to meet all outstanding liabilities for which specie was needed. None, therefore, was asked for the present year; but \$1,700,000 were called for in indents, to meet the interest on the domestic debt. Even these payments in indents were greatly behindhand; out of more than five millions heretofore demanded, not two millions had been paid, whence resulted a large arrear also of interest on the domestic debt.

It appeared from reports of other committees that the accounts of the late quarter-master, commissary, clothing, marine, and hospital departments, had either been settled by the commissioners appointed for that purpose, or were in a fair way to be so. The accounts of the late loan-offices had been settled only in New Hampshire, Massachusetts, Connecticut, Delaware, and Maryland. The papers of the first Virginia loan-office were lost. In South Carolina and Georgia, the loan-office proceeds had been appropriated to state use. Except from New York, New

Jersey, Pennsylvania, Maryland, and Georgia, no returns CHAPTER
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had been received from the commissioners appointed to
settle with the states. The committee on this subject 1788.
complained of a great mass of unliquidated accounts,
“showing many strong marks of want of responsibility
or attention in former transactions respecting the public
treasure.” Out of two millions and upward advanced to
the secret committee for foreign affairs prior to August,
1777, a considerable part remained to be accounted for.
Contracts had been made, it was supposed, by individual
members of that committee, who had neglected to report.
The expenditure of a full third of the money borrowed
abroad remained also unexplained.

The military force of the confederacy consisted of about
six hundred men, commanded by Brigadier-general Har-
mar. Two companies of artillery had been formed out
of the recruits enlisted during the late alarm in Massa-
chusetts, one of which was stationed at Springfield, and
the other at West Point. The stations on the frontier
were Pittsburg; Fort McIntosh, on Beaver Creek; Fort
Franklin, on French Creek, near the old post of Venan-
go, about half way from Pittsburg to Lake Erie; Fort
Harmar, at the mouth of the Muskingum; Fort Steuben,
at the falls of the Ohio, opposite Louisville; and Fort Vin-
cennes, on the Wabash. Oswego, Niagara, indeed, all
the posts on the great lakes, still remained in the hands
of the British. The principal arsenals were at Spring-
field, West Point, and Philadelphia; but there were tem-
porary deposits of ordnance, arms, and stores at Provi-
dence, New London, the Mohawk River, Manchester in
Virginia, opposite Richmond, and Charleston in South
Carolina. The Canadian refugees, the remains of Haz-
en's regiment, were still a source of expense; though
lately settled near Lake Champlain, on lands granted to

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CHAPTER XLVIII. them by the State of New York, they continued to draw rations from the United States.

1788. The foreign relations of the country, those with Great Britain no less than those with Spain, remained in a very unsettled condition. An elaborate report made by

1787. Jay to the Congress had shown that, at the time of the ratification of the treaty with Great Britain, and ever since, Massachusetts, New York, Pennsylvania, Virginia, and South Carolina all had laws in force obstructing the collection of British debts; violations of the treaty which were thus prior in their commencement to that carrying away of negroes of which Virginia and some other states so loudly complained. With respect to the negroes, Jay expressed the opinion that, in good faith to them, Great Britain could have done no less than she did; but, at the same time, he thought that, under the treaty, a pecuniary compensation to their late owners was due. The

March 2. Congress, in consequence of this report, had adopted a series of resolutions which, accompanied by an explanatory letter from Jay, had been sent to all the states. The right of any state was denied to pass acts obstructing the execution of any treaty, or attempting in any way to explain or construe it; and all the states were called upon to co-operate in laying the foundation for a new demand for a delivery of the posts and compensation for the negroes by acts repealing in general terms all legislative obstructions to the execution of any part of the treaty. But to these resolutions and this circular—which greatly enhanced Jay's unpopularity, already, from the view he had taken of the Spanish questions, sufficiently great, especially in Virginia—no response had yet been made; and the disputes with Great Britain, as well as those with Spain, descended as an inheritance to the new government.

The question of the seat of the federal government, found very unmanageable when raised in the Convention by which the new Constitution had been framed, 1789. had also been left for the new government to settle. An earnest effort was made to forestall that question—ratifications of the Constitution by nine states having been laid before Congress—by fixing upon Philadelphia as the place for organizing under the new Constitution. But this attempt failed, and the resolution, as adopted, appointed the first Wednesday of January for the choice of presidential electors, the first Wednesday of February for the election of president and vice-president, the first Wednesday (the fourth) of March as the time, and “the present seat of Congress” (New York) as the place, for the organization of government under the new Constitution.

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Washington received the unanimous vote of the colleges, and became president elect. The next highest number was given for John Adams, who thus became entitled to the place of vice-president. Senators and representatives, under the new Constitution, were also chosen in the eleven ratifying states.

The dying embers of the Continental Congress, barely kept alive for some months by the occasional attendance of one or two delegates, as the day approached for the new system to be organized, quietly went out without note or observation. History knows few bodies so remarkable. The Long Parliament of Charles I., the French National Assembly, are alone to be compared with it. Coming together, in the first instance, a mere collection of consulting delegates, the Continental Congress had boldly seized the reins of power, assumed the leadership of the insurgent states, issued bills of credit, raised armies, declared independence, negotiated foreign treaties, carried the nation through an eight years' war; finally, had ex-

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torted from the proud and powerful mother country an acknowledgment of the sovereign authority so daringly assumed and so indomitably maintained. But this brilliant career had been as short as it was glorious. The decline had commenced even in the midst of the war. Exhausted by such extraordinary efforts—smitten with the curse of poverty, their paper money first depreciating and then repudiated, overwhelmed with debts which they could not pay, pensioners on the bounty of France, insulted by mutineers, scouted at by the public creditors, unable to fulfill the treaties they had made, bearded and encroached upon by the state authorities, issuing fruitless requisitions which they had no power to enforce, vainly begging for additional authority which the states refused to grant, thrown more and more into the shade by the very contrast of former power—the Continental Congress sunk fast into decrepitude and contempt. Feeble is the sentiment of political gratitude! Debts of that sort are commonly left for posterity to pay. While all eyes were turned—some with doubt and some with apprehension, but the greater part with hope and confidence—toward the ample authority vested in the new government now about to be organized, not one respectful word seems to have been uttered, not a single reverential regret to have been dropped over the fallen greatness of the exhausted and expiring Continental Congress.

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